SENATE

SATURDAY, JULY 31, 1954

(Legislative day of Friday, July 2, 1954)

The Senate met at 10 o'clock a. m., on the expiration of the recess.

The Chaplain, Rev. Frederick Brown Harris, D. D., offered the following prayer:

Eternal God, Father of all, who art above all and through all and in all, without whom life has no spiritual source, no divine meaning or destiny, but with whom there is power for the present and hope for the future: We seek Thee as our fathers before us have sought Thee in former days, when the difficulties they faced were as frowning heights before their climbing feet; yet by faith they were led over the peaks to the pleasant valleys and still waters beyond. So lead us on, for Thou only art our guide and deliverer.

Strengthen us with Thy might that the strain of these days may not break our spirits and that no denials of human freedom now loose in the world may intimidate our souls. When the problems which front us seem insoluble, when the very principles for which brave men have died are betrayed, when the seamless robe of world unity is rent in twain, when even the shining river of our dreams seems to sink into the sands of futility, still may we labor on serene and confident knowing, while the weeping of hopes deferred may endure for a night, that the joy of Thy sure victory cometh in the morning. We ask it in the dear Redeemer's name. Amen.

THE JOURNAL

On request of Mr. KNOWLAND, and by unanimous consent, the reading of the Journal of the proceedings of Friday, July 30, 1954, was dispensed with.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS AND JOINT RESOLUTION

Messages in writing from the President of the United States were communicated to the Senate by Mr. Tribbe, one of his secretaries, and he announced that on July 29, 1954, the President had approved and signed the following acts and joint resolution:

S. 1381. An act to amend the Agricultural Act of 1949;

S. 2380. An act to amend the Mineral Leasing Act of February 25, 1920, as amended;

S. 2766. An act to amend section 7 (d) of the Internal Security Act of 1950, as amended;

S. 3630. An act to permit the city of Philadelphia to further develop the Hog Island tract as an air, rail, and marine terminal by directing the Secretary of Commerce to release the city of Philadelphia from the fulfillment of certain conditions contained in the existing deed which restrict further development; and

S. J. Res. 96. Joint resolution to strengthen the foreign relations of the United States by establishing a Commission on Governmental Use of International Telecommunications.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its clerks, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 7840. An act to amend the Railroad Retirement Act, the Railroad Retirement Tax Act, and the Railroad Unemployment Insurance Act;

H. R. 8384. An act to authorize the Secretary of the Interior to construct, operate, and maintain the Talent division of the Rogue River Basin reclamation project, Oregon;

H. R. 8498. An act authorizing construction of works to reestablish for the Palo Verde Irrigation District, California, a means of diversion of its irrigation water supply from the Colorado River, and for other purposes;

H. R. 9434. An act to amend section 216 (b) of the Merchant Marine Act, 1936, as amended, to provide for the maintenance of the Merchant Marine Academy;

H. R. 9666. An act to amend section 1001, paragraph 412, of the Tariff Act of 1930, with respect to hardboard;

H. R. 9785. An act to provide a method for compensating claims for damages sustained as the result of the explosions at Texas City, Tex.; and

H. R. 9987. An act to amend certain provisions of title XI of the Merchant Marine Act, 1936, as amended, to facilitate private financing of new ship construction, and for other purposes.

ORDER FOR TRANSACTION OF ROUTINE BUSINESS

Mr. KNOWLAND. Mr. President, I ask unanimous consent that immediately following the quorum call there may be the customary morning hour for the transaction of routine business, under the usual 2-minute limitation on speeches.

The VICE PRESIDENT. Without objection, it is so ordered.

CALL OF THE ROLL

Mr. KNOWLAND. I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Aiken	George	McCarran
Anderson	Gillette	McCarthy
Barrett	Goldwater	Millikin
Beall	Gore	Monroney
Bennett	Green	Morse
Bowring	Hayden	Mundt
Bricker	Hendrickson	Murray
Bridges	Hennings	Neely
Burke	Hickenlooper	Pastore
Bush	Hill	Payne
Butler	Holland	Potter
Byrd	Humphrey	Purtell
Capehart	Ives	Reynolds
Carlson	Jackson	Robertson
Case	Jenner	Russell
Chavez	Johnson, Colo.	Saltonstall
Clements	Johnson, Tex.	Schoeppel
Cooper	Johnston, S. C.	Smathers
Cordon	Kennedy	Smith, Maine
Crippa	Kerr	Smith, N. J.
Daniel	Kilgore	Sparkman
Dirksen	Knowland	Stennis
Douglas	Kuchel	Symington
Duff	Langer	Thye
Dworshak	Lehman	Upton
Ellender	Long	Watkins
Ferguson	Magnuson	Welker
Flanders	Malone	Wiley
Frear	Mansfield	Williams
Fulbright	Martin	Young

Mr. CLEMENTS. I announce that the Senator from Mississippi [Mr. EASTLAND], the Senators from North Carolina [Mr. ERVIN and Mr. LENNON], the Senator from Tennessee [Mr. KEFAUVER], and the Senator from Arkansas [Mr. MCCLELLAN] are absent on official business.

The Senator from South Carolina [Mr. MAYBANK] is absent by leave of the Senate.

EXECUTIVE COMMUNICATIONS, ETC.

The VICE PRESIDENT laid before the Senate the following letters, which were referred as indicated:

REPORT OF DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

A letter from the Secretary, Department of Health, Education, and Welfare, transmitting, pursuant to law, the report of that Department for the fiscal year 1953 (with an accompanying report); to the Committee on Labor and Public Welfare.

TRANSFER OF TITLE TO CERTAIN LAND AND IMPROVEMENTS IN NEW MEXICO

A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to provide for the transfer of title to certain land and the improvements thereon to the Pueblo of San Lorenzo (Pueblo of Picuris), in New Mexico, and for other purposes (with an accompanying paper); to the Committee on Interior and Insular Affairs.

GRANTING OF STATUS OF PERMANENT RESIDENCE TO CERTAIN ALIENS

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders granting the applications for permanent residence filed by certain aliens (with accompanying papers); to the Committee on the Judiciary.

REPORT ON TORT CLAIMS PAID BY SMITHSONIAN INSTITUTION

A letter from the Secretary, Smithsonian Institution, Washington, D. C., reporting, pursuant to law, on tort claims paid by that Institution during the fiscal year 1954 (with an accompanying paper); to the Committee on the Judiciary.

REPORT OF A COMMITTEE

The following report of a committee was submitted:

By Mr. BRIDGES, from the Committee on Appropriations, with amendments:

H. R. 9936. A bill making supplemental appropriations for the fiscal year ending June 30, 1955, and for other purposes (Rept. No. 2034).

ADDITIONAL FUNDS FOR OFFICIAL REPORTERS OF SENATE DEBATES AND PROCEEDINGS—REPORT OF A COMMITTEE

Mr. JENNER. Mr. President, from the Committee on Rules and Administration, I report favorably, without amendment, the resolution (S. Res. 296) to provide additional funds for Official Reporters of Senate debates and proceedings.

Mr. KNOWLAND. Mr. President, I ask unanimous consent for the immediate consideration of the resolution.

There being no objection, the resolution (S. Res. 296), submitted by Mr. KNOWLAND on July 29, 1954, was considered and agreed to, as follows:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay from the contingent fund of the Senate, to

the Official Reporters of the Senate debates and proceedings during the period of July 1, 1954, to December 31, 1954, so much as may be necessary, not to exceed $10,000 for the employment of additional office personnel.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, July 31, 1954, he presented to the President of the United States the following enrolled bills:

S. 2371. An act to extend emergency foreign merchant vessel acquisition and operating authority of Public Law 101, 77th Congress, and for other purposes;

S. 3458. An act to authorize the long-term chartering of tankers and the construction of tankers by the Secretary of the Navy, and for other purposes;

S. 3466. An act to provide for two additional Assistant Secretaries of the Army, Navy, and Air Force, respectively; and

S. 3713. An act to give effect to the International Convention for the High Seas Fisheries of the North Pacific Ocean, signed at Tokyo, May 9, 1952, and for other purposes.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SALTONSTALL (by request):

S. 3824. A bill for the relief of Joao-Pinguel Rodrigues; to the Committee on the Judiciary.

By Mr. HOLLAND (for himself and Mr. SMATHERS):

S. 3825. A bill for the relief of certain aliens; to the Committee on the Judiciary.

By Mr. SMITH of New Jersey:

S. 3826. A bill for the relief of Cornelis Johannes Eeman; to the Committee on the Judiciary.

By Mr. BUTLER (for himself, Mr. POTTER, Mr. KUCHEL, and Mr. MAGNUSON):

S. 3827. A bill to amend section 705 of the Merchant Marine Act, 1936, as amended, and for other purposes; to the Committee on Interstate and Foreign Commerce.

(See the remarks of Mr. BUTLER when he introduced the above bill, which appear under a separate heading.)

AMENDMENT OF SECTION 705 OF MERCHANT MARINE ACT, 1936

Mr. BUTLER. Mr. President, on behalf of myself, the Senator from Michigan [Mr. POTTER], the Senator from California [Mr. KUCHEL], and the Senator from Washington [Mr. MAGNUSON], I introduce for appropriate reference a bill to amend section 705 of the Merchant Marine Act, 1936, as amended, and for other purposes, to establish a uniform pricing base for a series of ships of the same type.

I understand that similar bills are being introduced in the House by Representative TOLLEFSON, acting chairman of the Committee on Merchant Marine and Fisheries, and by other Members of the House of Representatives. It is realized that there will not be time during the remainder of this session to hold hearings on the bill. However, the introduction of the bill will serve a useful purpose, in that it will enable us to secure during the period of the adjournment the views of the interested Government agencies. Then, when the new Congress convenes, it will be possible to have a new bill introduced and considered without further loss of time.

The proponents of the bill have prepared a statement captioned "Purpose of the Bill." I ask unanimous consent to have the statement printed in the RECORD, as a part of my remarks.

The VICE PRESIDENT. The bill will be received and appropriately referred; and, without objection, the statement will be printed in the RECORD.

The bill (S. 3827) to amend section 705 of the Merchant Marine Act, 1936, as amended, and for other purposes, introduced by Mr. BUTLER (for himself, Mr. POTTER, Mr. KUCHEL, and Mr. MAGNUSON), was received, read twice by its title, and referred to the Committee on Interstate and Foreign Commerce.

The statement presented by Mr. BUTLER is as follows:

PURPOSE OF THE BILL

This proposed amendment to section 705, Merchant Marine Act, 1936, as amended, has a dual purpose: The first is to bring the pricing formula of section 705 into consonance with a basic concept of the 1936 act, namely, the dispersal of ship construction as set forth in section 502 (f); the second is to insure a uniform pricing base for a series of vessels of the same type, such as the mariner vessels, constructed and sold under the provisions of the act. This latter theory that all vessels of the same type should be sold at the same price was clearly established in the Merchant Ship Sales Act of 1946.

To accomplish the foregoing, the amendment to section 705 provides one uniform date to be used in determining the foreign cost of the commercial equivalent of vessels constructed or contracted for in the series. In situations where a series of contracts for the same type of vessels are to be let, national defense requirements and other considerations often require that the construction be dispersed and allocated to shipyards throughout the country. Section 502 (f) of the 1936 act recognized these considerations and specifically provided that the difference in cost occasioned by the dispersal requirements would not be considered a part of the construction-differential subsidy but would be charged to national defense. Therefore it may be said that the recognition of the necessity of dispersing shipyard contracts is a basic policy of the 1936 act. As mentioned before, the concept that all vessels of one type should be sold at the same price was established in the Ship Sales Act of 1946.

There are two methods of pricing vessels for commercial sale under the 1936 act. The first method is to take the total construction cost and to deduct therefrom the national-defense features. From this figure is deducted the construction-differential subsidy, with the result being the final price to the commercial operator. The second method is provided for under section 705, and is based upon an estimate of the foreign cost of the commercial equivalent of the vessel exclusive of national-defense features.

The second method was used by the Maritime Administration in pricing the Mariners for the reason that difficulty was encountered in arriving at the cost of the national-defense features on these vessels. Therefore, the Administration proceeded to obtain the estimated cost of a vessel built in a foreign yard which had the same commercial features as the Mariner vessel, namely, 18-knot speed, 733,000 bale cubic capacity. This cost was finally obtained, based upon a theoretical contract let in a foreign yard on February 7, 1951. This date coincided with the contract date of the first 25 Mariner vessels, 5 of which were assigned to each of the following yards: Newport News Shipbuilding & Drydock Co.; Ingalls Shipbuilding Corp.; Bethlehem Steel Co. (Sparrows Point); Bethlehem Steel Co. (Quincy); Sun Shipbuilding & Drydock Co. In discussions between Admiral Cochrane and President Truman, the President approved the dispersal of contracts for national-defense purposes, and further agreed that no more than five vessels should be built in any one yard and that west coast facilities should be considered in the awarding of Mariner contracts. In accordance with this policy, bids were received from New York Shipbuilding Co. and the Bethlehem Steel Co., at San Francisco, but such bids were considerably higher than the bids for the first 25 vessels. Therefore, the Maritime Administration decided to endeavor to obtain bids more favorable to the Government. After approximately 6 months of negotiation this was accomplished, and the New York Shipbuilding Co. contract was signed June 25, 1951, and the Bethlehem Steel contract was signed August 1, 1951. The delay in the awarding of these contracts was occasioned solely by the Government's policy of dispersing the contracts and collaterally of obtaining more equitable bids from the administration's standpoint.

As mentioned before, section 502 (f) provides for a national defense adjustment in the construction cost of the portion resulting from the dispersal of the contracts. However, this section applies only to vessels built and priced under the first formula, namely, using the construction cost in the United States. Due to the fact that the Maritime Administration used the second method and arrived at the Mariner price by using the estimated cost of the foreign commercial equivalent, the specific language of 502 (f) does not cover this situation. We believe that section 502 (f) contains a basic philosophy of the act, and that section 705 should be amended to include this policy so that all sections of the act will be consistent. In addition, the accepted theory that all vessels of the same type should be sold at one uniform price will be recognized.

The following amendment designed to carry out the foregoing was prepared by the staff of the General Counsel of the Administration, and approved by both the General Counsel and the Administrator:

"A bill to amend section 705 of the Merchant Marine Act, 1936, as amended, and for other purposes

"Be it enacted, etc., That section 705 of the Merchant Marine Act, 1936, as amended (U. S. C., title 46, sec. 1195), is hereby amended by inserting before the period at the end thereof a colon and the following: *'Provided*, That in the event the Commission subsequent to January 1, 1951, awards a series of contracts for the construction of ships to effect the allocation of work for national defense, the foreign construction cost of said ships shall be determined as of the date of the award of the first contract of such series and the excess of the awarded price of each allocated contract over the price of the first awarded contract shall be a national defense cost.'"

Finally, it should be noted that the proposed amendment would be of general applicability to all of the mariner vessels and any other series of vessels of one type sold to private purchasers.

PRINTING OF ADDITIONAL COPIES OF ANNUAL REPORT OF COMMITTEE ON GOVERNMENT OPERATIONS

Mr. McCARTHY submitted the following resolution (S. Res. 302), which

was referred to the Committee on Rules and Administration:

Resolved, That the Senate Permanent Subcommittee on Investigations of the Committee on Government Operations is authorized to have printed for its use 12,000 copies of Senate Report No. 881, 83d Congress, 2d session, entitled "Annual Report of the Committee on Government Operations made by its Senate Permanent Subcommittee on Investigations pursuant to Senate Resolution 40."

AMENDMENT OF RULE RELATING TO COMMITTEE AND SUBCOMMITTEE PROCEDURE

Mr. CASE submitted the following resolution (S. Res. 303), which was referred to the Committee on Rules and Administration:

Resolved, That subsection 3 of rule XXV of the standing rules of the Senate is amended by adding at the end thereof the following:

"(c) The rules of the committees shall be the rules of the subcommittees so far as applicable. Committees and subcommittees may adopt additional rules not inconsistent with the rules of the Senate.

"(d) Unless otherwise provided, committee action shall be by vote of a majority of a quorum, but an investigating subcommittee of any committee may be authorized only by majority vote of the committee and any such authorization shall be reported in writing to the President of the Senate.

"(e) Subpenas to require the attendance of witnesses, the giving of testimony, and the production of books, papers, or other evidence shall be issued only by authority of the committee or subcommittee.

"(f) Committee interrogation of witnesses shall be conducted only by members and authorized staff personnel of the committee and no person shall be employed for or assigned to investigate activities until approved by the committee.

"(g) A witness subpenaed to appear before a committee may be accompanied by counsel of his own choosing and may be advised of his legal rights by such counsel while testifying.

"(h) No confidential testimony taken or confidential material presented in an executive hearing of a committee, and no report of the proceedings of such a hearing, shall be made public either in whole or in part or by way of summary unless authorized by a majority vote of the committee.

"(i) No committee or subcommittee hearing shall be scheduled in any place outside of the District of Columbia except by a majority vote.

"(j) Vouchers covering expenditures of any investigating committee shall be accompanied by a statement signed by the chairman that the investigation was duly authorized under the provisions of this rule."

SOCIAL SECURITY AMENDMENTS OF 1954—AMENDMENT

Mr. IVES submitted an amendment intended to be proposed by him to the bill (H. R. 9366) to amend the Social Security Act and the Internal Revenue Code so as to extend coverage under the old-age and survivors insurance program, increase the benefits payable thereunder, preserve the insurance rights of disabled individuals, and increase the amount of earnings permitted without loss of benefits, and for other purposes, which was ordered to lie on the table and to be printed.

AMENDMENT OF SUBVERSIVE ACTIVITIES CONTROL ACT OF 1950—AMENDMENTS

Mr. FERGUSON. Mr. President, I submit amendments intended to be proposed by me to the bill (S. 3706) to amend the Subversive Activities Control Act of 1950 to provide for the determination of the identity of certain Communist-infiltrated organizations, and for other purposes. I ask unanimous consent that the amendments be printed and lie on the table, in order that they can be called up when the proposed legislation is being considered by the Senate.

The VICE PRESIDENT. The amendments will be received and printed, and will lie on the table, as requested by the Senator from Michigan.

Mr. FERGUSON. Mr. President, I ask unanimous consent that the amendments be printed in the RECORD.

There being no objection, the amendments were ordered to be printed in the RECORD, as follows:

On page 5, line 22, strike out the phrase "within 5 years."

On page 6, line 8, strike out the phrase "within 5 years."

On page 6, line 13, strike out the phrase "within 5 years."

On page 6, lines 17 and 18, strike out the phrase "within 5 years."

On page 6, line 22, strike out the phrase "within 5 years."

On page 7, line 8, strike out the phrase "within 5 years."

On page 8, lines 8 and 9, strike out the phrase "(c), (d), (e), and (f)" and insert in lieu thereof the phrase "(c) and (d)."

On page 10, lines 7 and 8, strike out the phrase "or paragraph (1) of subsection (j)."

On page 2, strike out all in lines 1 to 14, inclusive, and insert the following in lieu thereof: "means any organization in the United States (A) the policies, programs, or actions of which are in any substantial degree directed, dominated, controlled, or influenced by or on behalf of the Communist Party, a Communist-action organization, or a member or members thereof, and (B) which is in a position to affect the national defense or security of the United States.

"(4B) The term 'Communist Party' means the Communist Party of the United States, or of any State or Territory, or of any subdivision of any State or Territory, without regard to the name by which it may be or has been known."

On page 1, line 8, strike out the word "paragraph" and insert in lieu thereof the word "paragraphs."

NOTICES OF MOTIONS TO SUSPEND THE RULE—AMENDMENTS TO SUPPLEMENTAL APPROPRIATION BILL, 1955

Mr. BRIDGES submitted the following notice in writing:

In accordance with rule XL of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill (H. R. 9936) making supplemental appropriations for the fiscal year ending June 30, 1955, and for other purposes, the following amendment, namely: On page —, after line —, insert the following:

"PAYMENT TO FEDERAL REPUBLIC OF GERMANY

"For payment to the Federal Republic of Germany for the acquisition or construction of an Embassy in the District of Columbia, $300,000: *Provided*, That this appropriation shall be effective only upon enactment of legislation set forth in either H. R. 9988 or S. 1573, 83d Congress."

Mr. BRIDGES submitted the following notice in writing:

In accordance with rule XL of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill (H. R. 9936) making supplemental appropriations for the fiscal year ending June 30, 1955, and for other purposes, the following amendment, namely: On page —, after line —, insert the following:

"BUREAU OF THE CENSUS

"CENSUSES OF BUSINESS, MANUFACTURES, AND MINERAL INDUSTRIES

"For expenses necessary for taking, compiling, and publishing the censuses of business, manufactures, and mineral industries as authorized by law, including personal services by contract or otherwise at rates to be fixed by the Secretary of Commerce without regard to the Classification Act of 1949, as amended; and additional compensation of Federal employees temporarily detailed for fieldwork under this appropriation; $8,430,000, to remain available until December 31, 1957."

Mr. BRIDGES submitted the following notice in writing:

In accordance with rule XL of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill (H. R. 9936) making supplemental appropriations for the fiscal year ending June 30, 1955, and for other purposes, the following amendment, namely: On page —, line —, after *"Provided"*, insert the following: ", to remain available until expended: *Provided*, That transfers may be made to the appropriation for the current fiscal year for 'Salaries and expenses' for administrative expenses (not to exceed $500,000) and for reserve fleet expenses and such amounts as may be required, and any such transfers shall be without regard to the limitations under that appropriation on the amounts available for such expenses: *Provided further*."

Mr. BRIDGES submitted the following notice in writing:

In accordance with rule XL of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill (H. R. 9936) making supplemental appropriations for the fiscal year ending June 30, 1955, and for other purposes, the following amendment, namely: On page —, after line —, insert the following:

"REIMBURSEMENT TO DISTRICT OF COLUMBIA

"For reimbursement to the highway fund, District of Columbia, for part cost of construction of highway-railroad grade separation structure in the District of Columbia on New York Avenue in the vicinity of South Dakota Avenue NE., $290,000: *Provided*, That this appropriation shall only become available upon the enactment into law of H. R. 6080, 83d Congress."

Mr. BRIDGES submitted the following notice in writing:

In accordance with rule XL of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill (H. R. 9936) making supplemental appropriations for the fiscal year ending June 30, 1955, and for other

purposes, the following amendment, namely: On page —, after line —, insert the following:

"BUREAU OF ACCOUNTS

"SALARIES AND EXPENSES, DIVISION OF DISBURSEMENT

"For an additional amount for salaries and expenses, $500,000: *Provided,* That this paragraph shall be effective only upon enactment into law of H. R. 9366 or similar legislation of the 83d Congress."

Mr. BRIDGES submitted the following notice in writing:

In accordance with rule XL of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill (H. R. 9936) making supplemental appropriations for the fiscal year ending June 30, 1955, and for other purposes, the following amendment, namely: On page —, after line —, insert the following:

"BUREAU OF LABOR STANDARDS

"SALARIES AND EXPENSES

"For an additional amount for 'Salaries and expenses,' $25,000; and the amount made available under this head in the Department of Labor Appropriation Act, 1955, for the work of the President's Committee on National Employ the Physically Handicapped Week, is increased from $75,000 to $100,000: *Provided,* That this paragraph shall be effective only upon the enactment during the 83d Congress of legislation increasing the authorization for appropriations for such purpose."

Mr. BRIDGES submitted the following notice in writing:

In accordance with rule XL of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill (H. R. 9936) making supplemental appropriations for the fiscal year ending June 30, 1955, and for other purposes, the following amendment, namely: On page —, after line —, insert the following:

"UNEMPLOYMENT COMPENSATION FOR FEDERAL EMPLOYEES

"For payments to unemployed Federal employees, either directly or through payments to States, as authorized by title XV of the Social Security Act, as amended, $10,000,000, to remain available until expended.

"UNEMPLOYMENT COMPENSATION FOR FEDERAL EMPLOYEES, NEXT SUCCEEDING FISCAL YEAR

"For making, after May 31 of the current fiscal year, payments to States, as authorized by title XV of the Social Security Act, as amended, such amounts as may be required for payment to unemployed Federal employees, for the first quarter of the next succeeding fiscal year, and the obligations and expenditures thereunder shall be charged to the appropriation therefor for that fiscal year.

"The two immediately preceding paragraphs in this act under the head 'Bureau of Employment Security' shall be effective only upon enactment into law of H. R. 9709, 83d Congress, except that $896,000 of the appropriation for 'Grants to States for Unemployment Compensation and Employment Service Administration' shall be effective only upon enactment into law of H. R. 9640 or S. 2759, 83d Congress."

Mr. BRIDGES submitted the following notice in writing:

In accordance with rule XL of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill (H. R. 9936) making supplemental appropriations for the fiscal year ending June 30, 1955, and for other purposes, the following amendment, namely: On page —, beginning in line —, insert the following:

"GENERAL PROVISIONS

"SEC. 502. There shall be hereafter in the Department of Labor, in addition to the Assistant Secretaries now provided for by law, one additional Assistant Secretary of Labor, who shall be appointed by the President by and with the advice and consent of the Senate, and who shall be subject in all respects to the provisions of the act of April 17, 1946 (60 Stat. 91), as amended (5 U. S. C. 611b), relating to Assistant Secretaries of Labor. Section 3 of Reorganization Plan No. 6 of 1950, as amended (64 Stat. 1263; 66 Stat. 121), is hereby repealed: *Provided,* That the present incumbent of the position of Administrative Assistant Secretary may be reassigned to an appropriate position in the Department without reduction in the rate of basic compensation."

Mr. BRIDGES submitted the following notice in writing:

In accordance with rule XL of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill (H. R. 9936) making supplemental appropriations for the fiscal year ending June 30, 1955, and for other purposes, the following amendment, namely: On page —, after line —, insert the following:

"FOOD AND DRUG ADMINISTRATION

"SALARIES AND EXPENSES, CERTIFICATION AND INSPECTION SERVICES

"The paragraph under this head in the Department of Health, Education, and Welfare Appropriation Act, 1955, is amended to read as follows:

" 'Salaries and expenses, certification and inspection services: For expenses necessary for the certification or inspection of certain products in accordance with sections 406, 408, 504, 506, 507, 604, 702A, and 706 of the Federal Food, Drug, and Cosmetic Act, as amended (21 U. S. C. 346, 348, 354, 356, 357, 364, 372a, and 376), the aggregate of the advance deposits during the current fiscal year to cover payments of fees by applicants for certification or inspection of such products, to remain available until expended. The total amount herein appropriated shall be available for personal services; purchase of chemicals, apparatus, and scientific equipment; expenses of advisory committees; and the refund of advance deposits for which no service has been rendered.' "

Mr. BRIDGES submitted the following notice in writing:

In accordance with rule XL of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill (H. R. 9936) making supplemental appropriations for the fiscal year ending June 30, 1955, and for other purposes, the following amendment, namely: On page —, after line —, insert the following.

"PAYMENTS TO SCHOOL DISTRICTS

"Notwithstanding the provisions of section 3 (c) (1) of Public Law 874, 81st Congress, as amended, the amount payable to a local educational agency for the fiscal year ending June 30, 1955, with respect to the number of children determined under subsection (a) or (b) of section 3 thereof shall be computed on the same basis as was used during the fiscal year ending June 30, 1954, under subsections (a), (b), (c), and (d) of section 3 of said law."

Mr. BRIDGES submitted the following notice in writing:

In accordance with rule XL of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill (H. R. 9936) making supplemental appropriations for the fiscal year ending June 30, 1955, and for other purposes, the following amendment, namely: On page —, after line —, insert the following.

"Salaries, expenses, and grants: For carrying out the act of July 26, 1954 (Public Law 530), including services as authorized by section 15 of the act of August 2, 1946 (5 U. S. C. 55a), $1,250,000, of which $1 million shall be for grants to the States in accordance with section 2 of such act: *Provided,* That a Conference Director may be appointed by the Secretary at a salary of $15,000 per annum."

Mr. BRIDGES submitted the following notice in writing:

In accordance with rule XL of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill (H. R. 9936) making supplemental appropriations for the fiscal year ending June 30, 1955, and for other purposes, the following amendment, namely: On page —, after line —, insert the following.

"GRANTS TO STATES AND OTHER AGENCIES

"For grants to States and other agencies in accordance with the Vocational Rehabilitation Act, as amended, $6 million, of which $1,500,000 is for vocational rehabilitation services under section 2 of said act; $1,500,000 is for extension and improvement projects under section 3 of said act; and $3 million is for special projects under section 4 of said act: *Provided,* That the amounts appropriated for the Office of Vocational Rehabilitation under the heads 'Payments to States' in the Department of Health, Education, and Welfare Appropriation Act, 1955, shall be available, without regard to the limitations set forth therein, for the purposes of section 2 of the Vocational Rehabilitation Act, as amended: *Provided further,* That the paragraphs under the head 'Office of Vocational Rehabilitation' in this act shall be effective only upon enactment into law of H. R. 9640 or S. 2759, 83d Congress."

Mr. BRIDGES submitted the following notice in writing:

In accordance with rule XL of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill (H. R. 9936) making supplemental appropriations for the fiscal year ending June 30, 1955, and for other purposes, the following amendment, namely: On page —, beginning in line —, insert the following:

"SALARIES AND EXPENSES

"For an additional amount for 'Salaries and expenses,' $400,000, of which $8,800 shall be transferred to the appropriation 'Salaries and expenses, Office of the General Counsel': *Provided,* That the limitation under this head in the Department of Health, Education, and Welfare Appropriation Act, 1955, on the amount available for production, purchase, and distribution of educational films, is hereby repealed."

Mr. BRIDGES submitted the following notice in writing:

In accordance with rule XL of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill (H. R. 9936) making supplemental appropriations for the fiscal year ending June 30, 1955, and for other

purposes, the following amendment, namely: On page —, after line —, insert the following:

"The amounts made available under this head for the fiscal year 1955 shall be available for the payment of special allowances to those employees of the Department whose headquarters are relocated from Baltimore, Md., to Washington, D. C., at $9 per day after arrival at Washington, D. C., for 6 days for employees, plus $4.50 per day additional for 6 days for each member of immediate families of employees."

Mr. BRIDGES submitted the following notice in writing:

In accordance with rule XL of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill (H. R. 9936) making supplemental appropriations for the fiscal year ending June 30, 1955, and for other purposes, the following amendment, namely: On page —, after line —, insert the following:

"ADVANCES TO STATE, NEXT SUCCEEDING FISCAL YEAR

"For making, after May 31 of the current fiscal year, advances to States under section 221 (e) of the Social Security Act, as amended, for the first quarter of the next succeeding fiscal year, such sums as may be necessary from the above authorization may be expended from the Federal old-age and survivors insurance trust fund.

"The two immediately preceding paragraphs under the head 'Bureau of Old-Age and Survivors Insurance' in this act shall be effective only upon enactment into law of H. R. 9366 or similar legislation of the 83d Congress."

Mr. BRIDGES submitted the following notice in writing:

In accordance with rule XL of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill (H. R. 9936) making supplemental appropriations for the fiscal year ending June 30, 1955, and for other purposes, the following amendment, namely: On page —, after line —, insert the following:

"CONSTRUCTION, BUREAU OF OLD-AGE AND SURVIVORS INSURANCE

"For construction of an office building and appurtenant facilities for the Bureau of Old-Age and Survivors Insurance, including equipment, acquisition of land (including donations thereof), and preparation of plans and specifications, $22,290,000, to be derived from the Federal old-age and survivors insurance trust fund and to remain available until expended."

Mr. BRIDGES submitted the following notice in writing:

In accordance with rule XL of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill (H. R. 9936) making supplemental appropriations for the fiscal year ending June 30, 1955, and for other purposes, the following amendment, namely: On page —, after line —, insert the following:

"WATERSHED PROTECTION

"For an additional amount for 'Watershed protection,' to remain available until expended, $2,425,000, of which not to exceed $50,000 shall be transferred to and made a part of the appropriation 'Office of the Solicitor,' 1955: *Provided*, That funds appropriated under this head shall be available for carrying out the purposes of the act of —— (Public Law —, 83d Cong.): *Provided further*, That this paragraph shall be effective only upon enactment into law of H. R. 6788, 83d Congress."

Mr. BRIDGES submitted the following notice in writing:

In accordance with rule XL of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill (H. R. 9936) making supplemental appropriations for the fiscal year ending June 30, 1955, and for other purposes, the following amendment, namely: On page —, after line —, insert the following:

"FOREIGN AGRICULTURAL SERVICE

"For an additional amount for 'Foreign Agricultural Service,' including not to exceed $15,000 for representation allowances, $1,500,000, of which $1 million shall be derived from such appropriation or appropriations available to the Department of State as the Director of the Bureau of the Budget may determine: *Provided*, That transfers shall be made under this authorization in lieu of any similar transfers which may be authorized under the Agricultural Act of 1954 (H. R. 9680, 83d Cong.): *Provided further*, That this paragraph shall be effective only upon the enactment into law of H. R. 9680, 83d Congress."

Mr. BRIDGES submitted the following notice in writing:

In accordance with rule XL of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill (H. R. 9936) making supplemental appropriations for the fiscal year ending June 30, 1955, and for other purposes, the following amendment, namely: On page —, beginning in line —, insert the following:

"COMMODITY EXCHANGE AUTHORITY

"For an additional amount for 'Commodity Exchange Authority,' $93,000: *Provided*, That $39,000 of this appropriation shall be effective only upon enactment of legislation which would add 'coffee' under the definition of the word 'commodities' as defined in section 2 (a) of the Commodity Exchange Act, as amended (7 U. S. C. 1–17a); $34,000 shall be effective only upon enactment into law of H. R. 6435, 83d Congress; and $20,000 shall be effective only upon enactment into law of S. 2313, 83d Congress."

Mr. BRIDGES submitted the following notice in writing:

In accordance with rule XL of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill (H. R. 9936) making supplemental appropriations for the fiscal year ending June 30, 1955, and for other purposes, the following amendment, namely: On page —, after line —, insert the following:

"LOAN AUTHORIZATIONS

"For loans under the act of August 28, 1937, as amended, $3,500,000: *Provided*, That not to exceed the foregoing amount shall be borrowed from the Secretary of the Treasury in the manner authorized under this head in the Department of Agriculture and Farm Credit Administration Appropriation Act, 1955: *Provided further*, That this appropriation shall be effective only upon enactment into law of either H. R. 8386 or S. 3137, 83d Congress."

Mr. BRIDGES submitted the following notice in writing:

In accordance with rule XL of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill (H. R. 9936) making supplemental appropriations for the fiscal year ending June 30, 1955, and for other purposes, the following amendment, namely: On page —, after line —, insert the following:

"OFFICE OF THE SOLICITOR

"For an additional amount for 'Office of the Solicitor,' $54,000: *Provided*, That $40,000 shall be effective only upon enactment into law of either H. R. 8386 or S. 3137, 83d Congress."

Mr. BRIDGES submitted the following notice in writing:

In accordance with rule XL of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill (H. R. 9936) making supplemental appropriations for the fiscal year ending June 30, 1955, and for other purposes, the following amendment, namely: On page —, line —, after "———," insert the following: ": *Provided*, That $3 million of the foregoing amount shall be available to provide financial assistance to public school districts for the construction and equipment of public school facilities for Navaho Indian children from reservation areas not included in such districts; and $31,000 shall be for the payment of the excess value of land, water rights, and irrigation structures to be received by the Pyramid Lake Paiute Tribe of Indians of the Pyramid Lake Indian Reservation in exchange for tribal lands of said tribe located in the State of Nevada: *Provided*, That title to the land to be acquired for said tribe described as southeast quarter of section 22, township 21 north, range 24 east, Mount Diablo base and meridian, containing 160 acres, more or less, and structures shall be taken in the name of the United States in trust for said tribe: *Provided further*, That the prohibition against the use of funds appropriated under this heading in the Interior Department Appropriation Act, 1955, for the acquisition of land or water rights within the State of Nevada, either inside or outside the boundaries of existing reservations shall not apply to this transaction: *Provided further*, That the limitation under this heading in the Interior Department Appropriation Act, 1955, on the amount available for personal services is increased by $1 million."

Mr. BRIDGES submitted the following notice in writing:

In accordance with rule XL of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill (H. R. 9936) making supplemental appropriations for the fiscal year ending June 30, 1955, and for other purposes, the following amendment, namely: On page —, after line—, insert the following:

"GENERAL PROVISIONS

"SEC. 702. Limitation on amounts to be expended for personal services under appropriations in the Interior Department Appropriation Act, 1955 (Public Law 465, 83d Cong.), shall not apply to lump-sum leave payments pursuant to the act of December 21, 1944 (5 U. S. C. 61b–d)."

Mr. BRIDGES submitted the following notice in writing:

In accordance with rule XL of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill (H. R. 9936) making supplemental appropriations for the fiscal year ending June 30, 1955, and for other

purposes, the following amendment, namely: On page —, after line —, insert the following:

"SEC. 703. The limitation for personal services under the heading 'Construction, Bonneville Power Administration,' contained in the Interior Department Appropriation Act, 1955 (Public Law 465, 83d Cong.), is hereby increased from $6,250,000 to $7,450,000."

Mr. BRIDGES submitted the following notice in writing:

In accordance with rule XL of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill (H. R. 9936) making supplemental appropriations for the fiscal year ending June 30, 1955, and for other purposes, the following amendment, namely: On page —, after line —, insert the following:

"SEC. 704. Funds appropriated under the heading, 'Administration of Territories' in the Interior Department Appropriation Act, 1955 (Public Law No. 465, 83d Cong.) shall be available to carry out the provisions of the Revised Organic Act of the Virgin Islands (Public Law No. 517, 83d Cong)."

Mr. BRIDGES submitted the following notice in writing:

In accordance with rule XL of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill (H. R. 9936) making supplemental appropriations for the fiscal year ending June 30, 1955, and for other purposes, the following amendment, namely: On page —, line —, before the period, insert the following: "credited to the fund from which rental payments are made."

Mr. BRIDGES submitted the following notice in writing:

In accordance with rule XL of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill (H. R. 9936) making supplemental appropriations for the fiscal year ending June 30, 1955, and for other purposes, the following amendment, namely:

On page —, beginning in line —, insert the following:

"SURVEY OF GOVERNMENT RECORDS, RECORDS MANAGEMENT, AND DISPOSAL PRACTICES

"For necessary expenses, including administrative expenses, in connection with conducting surveys of Government records, and records creation, maintenance, management and disposal practices in Federal agencies, pursuant to sections 505 and 506 of the Federal Property and Administrative Services Act of 1949, as amended, $500,000: *Provided*, That notwithstanding any other provision of said act, the Administrator shall have final authority in all matters involving the conduct of surveys and the implementation of recommendations based on such surveys: *Provided further*, That the General Services Administration is authorized to procure services in accordance with section 15 of the act of August 2, 1946 (5 U. S. C. 55a): *Provided further*, That a detailed quarterly report on the progress of each survey conducted hereunder shall be made to the Appropriations Committees of the Congress."

Mr. BRIDGES submitted the following notice in writing:

In accordance with rule XL of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill (H. R. 9936) making supplemental appropriations for the fiscal year ending June 30, 1955, and for other purposes, the following amendment, namely: On page —, after line —, insert the following:

"SEC. 706. Subsection (b) of section 404 of the Civil Aeronautics Act of 1938 (52 Stat. 993; 49 U. S. C. 484 (b)) is hereby amended by inserting at the end thereof the following: '*Provided*, That nothing in this or any other act shall prevent the carriage, storage, or handling of property free or at reduced rates for the Department of Defense, or the transportation of persons free or at reduced rates for the Department of Defense on a space-available basis on scheduled service.'"

Mr. BRIDGES submitted the following notice in writing:

In accordance with rule XL of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill (H. R. 9936) making supplemental appropriations for the fiscal year ending June 30, 1955, and for other purposes, the following amendment, namely: On page —, after line —, insert the following:

"SALARIES AND EXPENSES

"For an additional amount for 'Salaries and expenses,' $1,000,000; and the limitation under this head in the Independent Offices Appropriation Act, 1955, on the amount available for expenses of travel, is increased from '$169,325' to '$260,825': *Provided*, That the authority contained under this head in the Third Supplemental Appropriation Act, 1954 (Public Law 357), for transfer of funds to this appropriation is continued through December 31, 1954, but additional amounts transferred pursuant to this extension shall not exceed $250,000, including not to exceed $25,000 for expenses of travel."

Mr. BRIDGES submitted the following notice in writing:

In accordance with rule XL of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill (H. R. 9936) making supplemental appropriations for the fiscal year ending June 30, 1955, and for other purposes, the following amendment, namely: On page —, after line —, insert the following:

"FAMILY HOUSING

"For family housing authorized by the enactment into law of H. R. 9924, 83d Congress, not to exceed $175,000,000 to be made available to the respective military departments in such amounts as may be determined by the Secretary of Defense, to remain available until expended: *Provided*, That funds appropriated under this heading shall not be used for family housing unless the Secretary of Defense certifies that (1) it is impracticable to construct family housing under the provisions of title VIII of the National Housing Act, and (2) that adequate housing at reasonable rental rates is not available in the immediate vicinity of the military installation, and (3) it is impracticable to acquire suitable housing under other existing provisions of law."

Mr. BRIDGES submitted the following notice in writing:

In accordance with rule XL of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill (H. R. 9936) making supplemental appropriations for the fiscal year ending June 30, 1955, and for other purposes, the following amendment, namely: On page —, after line —, insert the following:

"ARMY NATIONAL GUARD

"The Secretary of the Army may transfer not to exceed $3,000,000, to the appropriation 'Army National Guard, 1955' for additional State National Guard civilian employees from any appropriation available to the Department of the Army when such transfers are determined by the Secretary of the Army to be in the national interest."

Mr. BRIDGES submitted the following notice in writing:

In accordance with rule XL of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill (H. R. 9936) making supplemental appropriations for the fiscal year ending June 30, 1955, and for other purposes, the following amendment, namely: On page —, after line —, insert the following:

"CONSTRUCTION OF TANKERS

"For construction of tankers as authorized by the act of ———, 1954, Public Law —, $37,500,000 to remain available until expended: *Provided*, That this appropriation may be transferred to such appropriation as the President may designate."

Mr. BRIDGES submitted the following notice in writing:

In accordance with rule XL of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill (H. R. 9936) making supplemental appropriations for the fiscal year ending June 30, 1955, and for other purposes, the following amendment, namely: On page —, line —, before the period, insert the following: "purchase of not to exceed two passenger motor vehicles; and entertainment; $170,000."

Mr. BRIDGES submitted the following notice in writing:

In accordance with rule XL of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill (H. R. 9936) making supplemental appropriations for the fiscal year ending June 30, 1955, and for other purposes, the following amendment, namely: On page —, after line —, insert the following:

"CORPORATIONS

"Federal National Mortgage Association: The limitation on the amount available for administrative expenses under this head in title II of the Independent Offices Appropriation Act, 1955 (Public Law 428), shall be exclusive of expenses (including expenses for fiscal agency services performed on a contract or fee basis) in connection with the issuance and servicing of obligations as authorized by title II of the Housing Act of 1954."

Mr. BRIDGES submitted the following notice in writing:

In accordance with rule XL of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill (H. R. 9936) making supplemental appropriations for the fiscal year ending June 30, 1955, and for other purposes, the following amendment, namely: On page —, after line —, insert the following:

"Federal Housing Administration: The amount made available under this head in title II of the Independent Offices Appropriation Act, 1955 (Public Law 428), for administrative expenses, is increased from '$5,150,000' to '$6,500,000' and the limitation on the amount available for expenses of travel is increased from '$175,000' to '$355,000': *Provided*, That the limitation under said head on the amount available for certain nonadministrative expenses of said Administrator is increased from '$25,000,000' to '$28,000,000.'"

Mr. BRIDGES submitted the following notice in writing:

In accordance with rule XL of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill (H. R. 9936) making supplemental appropriations for the fiscal year ending June 30, 1955, and for other purposes, the following amendment, namely: On page —, after line —, insert the following: "Office of the Administrator, public facility loans: Not to exceed $210,000 of funds in the revolving fund established pursuant to section 108 of the Reconstruction Finance Corporation Liquidation Act, as amended (40 U. S. C. 459), shall be available for administrative expenses, but this amount shall be exclusive of payment for services and facilities of the Federal Reserve banks or any member thereof, the Federal home loan banks, and any insured bank within the meaning of the act creating the Federal Deposit Insurance Corporation (act of August 23, 1935, as amended, 12 U. S. C. 264) which has been designated by the Secretary of the Treasury as a depository of public money of the United States."

Mr. BRIDGES submitted the following notice in writing:

In accordance with rule XL of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill (H. R. 9936) making supplemental appropriations for the fiscal year ending June 30, 1955, and for other purposes, the following amendment, namely: On page —, after line —, insert the following: "Public Housing Administration: The amount made available under this head in title II of the Independent Offices Appropriation Act, 1955 (Public Law 428), for administrative expenses of the Public Housing Administration in carrying out duties imposed by law, is increased from '$6,950,000' to '$7,750,000'; and the limitation under said head on the amount available for expenses of travel is increased from '$500,000' to '$580,000'."

Mr. BRIDGES submitted the following notice in writing:

In accordance with rule XL of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill (H. R. 9936) making supplemental appropriations for the fiscal year ending June 30, 1955, and for other purposes, the following amendment, namely: On page —, after line —, insert the following:

"SEC. 908. The Secretary of the Army is authorized to convey, subject to such terms, conditions, and restrictions as are required by this act and the public interest, to the Los Angeles City High School District of Los Angeles County, Calif., all right, title, and interest of the United States to the Birmingham General Hospital tract (consisting of one hundred seventeen and thirty-one one-hundredths acres of land, more or less, and all improvements thereon) located at Van Nuys, Calif. In addition to other consideration required by this section for the conveyance authorized hereunder, such school district shall be required to pay to the Secretary of the Army the sum of $500,000. Upon receipt by the Secretary of the Army such sum shall be credited to the appropriation, 'Military Construction, Army', and shall be available for (1) the construction and other costs involved in moving to a suitable Government-owned site the buildings to be reconveyed to the Secretary under the provisions of this section, and (2) the construction of additional supporting facilities at such site as may be required for authorized defense construction.

"In addition to other terms, conditions, and restrictions contained in the deed whereby the Birmingham General Hospital is conveyed to such school district, the school district shall agree, as a part of the consideration for the conveyance, (1) to reconvey to the Secretary of the Army, immediately upon acceptance of the deed, and without consideration, title to the buildings which are located at the Birmingham General Hospital and which are occupied by troops on the date of enactment of this act, and (2) to permit such buildings to remain in place for continued occupancy by troops until substitute facilities are constructed by the Secretary of the Army, and such buildings are removed."

Mr. BRIDGES submitted the following notice in writing:

In accordance with rule XL of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill (H. R. 9936) making supplemental appropriations for the fiscal year ending June 30, 1955, and for other purposes, the following amendment, namely: on page —, after line —, insert the following:

"CONSTRUCTION, GENERAL

"For an addtional amount for 'Construction, General,' $8,275,000 to remain available until expended, of which $1,600,000 shall be available for advanced engineering and design by the Corps of Engineers for projects which have been authorized for development with participation by State, local government or private groups and for authorized projects which are under consideration for participation by such agencies: *Provided*, That not to exceed $2,000,000 of unexpended funds appropriated for the current or any previous fiscal year to the Department of the Army for Construction, General, Rivers and Harbors, shall be available until expended for use on such authorized river and harbors projects as may be determined by the Secretary of Defense to be essential to the national defense program."

Mr. BRIDGES submitted the following notice in writing:

In accordance with rule XL of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill (H. R. 9936) making supplemental appropriations for the fiscal year ending June 30, 1955, and for other purposes, the following amendment, namely: On page —, after line —, insert the following:

"For contribution to the city of Muskogee, toward the construction of a water supply pipeline from the existing city water supply intake on the Grand River near its junction with the Arkansas River to Fort Gibson Dam, in settlement for all damages to the water supply of the city of Muskogee, on account of the construction and operation of Fort Gibson Reservoir, $200,000 out of funds previously appropriated."

Mr. BRIDGES submitted the following notice in writing:

In accordance with rule XL of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill (H. R. 9936) making supplemental appropriations for the fiscal year ending June 30, 1955, and for other purposes, the following amendment, namely: On page —, after line —, insert the following:

"The project for bank protection on the Missouri River from Kenslers Bend, Nebraska, to Sioux City, Iowa, authorized by the act approved August 18, 1941, and modified and extended upstream to include Miners Bend and vicinity, South Dakota and Nebraska, by the act of June 30, 1948, is hereby further modified to include dredging McCook Lake at an estimated Federal cost of not to exceed $500,000."

Mr. BRIDGES submitted the following notice in writing:

In accordance with rule XL of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill (H. R. 9936) making supplemental appropriations for the fiscal year ending June 30, 1955, and for other purposes, the following amendment, namely: On page —, after line —, insert the following:

"EMERGENCY FUND FOR INTERNATIONAL AFFAIRS

"For expenses necessary to enable the President to take such measures as he deems appropriate to meet extraordinary or unusual circumstances arising in the international affairs of the Government, $5 million, to remain available until expended, for use in the President's discretion and without regard to such provisions of law as he may specify: *Provided*, That the President shall transmit to the Committees on Appropriations of the Senate and of the House of Representatives, not less often than quarterly, a full report of expenditures under this appropriation."

Mr. BRIDGES submitted the following notice in writing:

In accordance with rule XL of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill (H. R. 9936) making supplemental appropriations for the fiscal year ending June 30, 1955, and for other purposes, the following amendment, namely: On page —, line —, after "allocated", insert the following: "*Provided further*, That the entire amount herein appropriated may, if found necessary by the Bureau of the Budget for effective administration of the program, be apportioned for use during the first 9 months of the fiscal year."

Mr. BRIDGES submitted the following notice in writing:

In accordance with rule XL of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill (H. R. 9936) making supplemental appropriations for the fiscal year ending June 30, 1955, and for other purposes, the following amendment, namely: On page —, line —, after "Conclusion:" strike out "$8,525,000" and insert the following: "$11 million: *Provided*, That not to exceed $350,000 of the unobligated balance of the 1954 appropriation for this purpose shall remain available until June 30, 1955."

Mr. BRIDGES submitted the following notice in writing:

In accordance with rule XL of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill (H. R. 9936) making supplemental appropriations for the fiscal year ending June 30, 1955, and for other purposes, the following amendment, namely: On page —, after line —, insert the following:

"SEC. 1312. The appropriations, authorizations, and authority with respect thereto in this act shall be available from July 1, 1954, for the purposes provided in such appropria-

tions, authorizations, and authority. All obligations incurred during the period between June 30, 1954, and the date of enactment of this act in anticipation of such appropriations, authorizations, and authority are hereby ratified and confirmed if in accordance with the terms hereof and the terms of Public Law 475, 83d Congress."

Mr. BRIDGES submitted the following notice in writing:

In accordance with rule XL of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill (H. R. 9936) making supplemental appropriations for the fiscal year ending June 30, 1955, and for other purposes, the following amendment, namely: On page —, beginning in line —, insert the following:

"SEC. 907. (a) The Department of Defense is authorized to acquire by purchase, or by lease or otherwise for a period not to exceed 7 years, not to exceed six vessels capable of transporting, loading, and unloading railroad rolling stock, on rails by the roll-on, roll-off method, as well as wheeled and tracked military equipment to be loaded and discharged under their own power.

"(b) Any appropriation of the Department of Defense shall be available for the purposes of this act."

Mr. BRIDGES also submitted amendments intended to be proposed by him to House bill 9936, making supplemental appropriations for the fiscal year ending June 30, 1955, and for other purposes, which were ordered to lie on the table and to be printed.

(For texts of amendments referred to, see the foregoing notices.)

HOUSE BILLS REFERRED OR PLACED ON CALENDAR

The following bills were severally read twice by their titles, and referred, or placed on the calendar, as indicated:

H. R. 7840. An act to amend the Railroad Retirement Act, the Railroad Retirement Tax Act, and the Railroad Unemployment Insurance Act; to the Committee on Labor and Public Welfare.

H. R. 8384. An act to authorize the Secretary of the Interior to construct, operate, and maintain the Talent division of the Rogue River Basin reclamation project, Oregon; and

H. R. 8498. An act authorizing construction of the works to reestablish for the Palo Verde Irrigation District, California, a means of diversion of its irrigation water supply from the Colorado River, and for other purposes; to the Committee on Interior and Insular Affairs.

H. R. 9434. An act to amend section 216 (b) of the Merchant Marine Act, 1936, as amended, to provide for the maintenance of the Merchant Marine Academy; to the Committee on Interstate and Foreign Commerce.

H. R. 9666. An act to amend section 1001, paragraph 412, of the Tariff Act of 1930, with respect to hardboard; to the Committee on Finance.

H. R. 9785. An act to provide a method for compensating claims for damages sustained as the result of the explosions at Texas City, Tex.; to the Committee on the Judiciary.

H. R. 9987. An act to amend certain provisions of title XI of the Merchant Marine Act, 1936, as amended, to facilitate private financing of new ship construction, and for other purposes; placed on the calendar.

ADDRESSES, EDITORIALS, ARTICLES, ETC., PRINTED IN THE RECORD

On request, and by unanimous consent, addresses, editorials, articles, etc., were ordered to be printed in the RECORD, as follows:

By Mr. DOUGLAS:

Statement prepared by him on the tenth anniversary of the Battle of Warsaw.

JOHN C. ALLEN—EDITORIAL

Mr. DIRKSEN. Mr. President, I take pride in asking unanimous consent to have printed in the body of the RECORD a complimentary article on John C. Allen, Assistant Postmaster General, a citizen of Illinois, who will soon leave the postal service to retire to Illinois, and to return to his prior employment. I am delighted to note the tribute to him which was published in the Washington Post on Monday, July 26, 1954. He deserves this tribute.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

IDEA MAN

The resignation of Assistant Postmaster General John C. Allen deprives the Post Office Department of one of its most versatile and imaginative executives. Mr. Allen brought fresh and challenging ideas to a Department long ingrown in its concepts of handling transportation of the mail. He sought to apply to the mail service some of the techniques he had used in private business as traffic manager for Sears Roebuck & Co., and he succeeded in some notable respects. Perhaps his outstanding accomplishment was the inauguration of first-class mail service by air on an experimental basis, using excess airline capacity, on Washington-Chicago, New York-Chicago, New York-Florida and Chicago-Florida routes. The experiments have proved eminently worthwhile. Mr. Allen also helped draw up the plan to separate air subsidies from mail payments. His enthusiasm and determination occasionally created resentment among the carriers with which he worked, particularly when he questioned rate structures; but his questioning also served to impress upon industry the need to do a better job. There can be no doubt that he has materially benefited the Government and the taxpayers in obtaining speedier, more economical mail service. He deserves a vote of appreciation as he returns to private life.

MODERNIZATION AND IMPROVEMENT OF MERCHANT-TYPE VESSELS

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 3546) to provide an immediate program for the modernization and improvement of such merchant-type vessels in the reserve fleet as are necessary for national defense, which were, on page 2, line 14, strike out "twelve" and insert "twenty-four"; on page 2, line 20, strike out "$45,000,000" and insert "$25,000,000"; on page 2, lines 22 and 23, strike out "and on the Great Lakes or other inland waterways," on page 2, line 25, strike out all after "and" over through page 3, line 4, and insert:

(4) may be negotiated without competitive bidding whenever such action is determined by the Secretary of Commerce to be necessary to carry out the purpose of this act.

And on page 3, line 7, strike out $45,000,000" and insert "$25,000,000."

Mr. BUTLER. I move that the Senate disagree to the amendments of the House, request a conference with the House on the disagreeing votes of the two Houses thereon, and that the Chair appoint the conferees on the part of the Senate.

Mr. KNOWLAND. Mr. President, if the Senator from Maryland will yield at this point, let me ask whether this is the matter he took up earlier with the minority leader?

Mr. BUTLER. That is correct.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Maryland.

The motion was agreed to; and the Presiding Officer appointed Mr. BUTLER, Mr. PAYNE, and Mr. MAGNUSON conferees on the part of the Senate.

THE ROBERT A. TAFT MEMORIAL FOUNDATION

Mr. KNOWLAND. Mr. President, it was just a year ago today—July 31, 1953—that the Senate heard the sad news of the death of Senator Robert A. Taft, of Ohio, the majority leader. I know that I do not speak for myself alone when I say that despite his untimely death, his presence and the ideals and objectives for which he stood continue in this Chamber.

I recall on that day a year ago, when the tragic news of Senator Taft's death reached us, Senator after Senator, on both sides of the aisle, stood on the floor of the Senate, and one common theme was noticeable in the spontaneous eulogies they delivered. That theme was expressed in a simple way: That the life of Bob Taft and the philosophy he espoused, in victory and defeat, would continue to inspire and encourage his colleagues in the Senate, as well as the people throughout the Nation who were devoted to him.

In recent days, a number of Senator Taft's closest friends have formed the Robert A. Taft Memorial Foundation, to perpetuate the high standards and ideals of public service which were exemplified by the life of Senator Taft. I have had the honor of being asked to serve as one of the trustees for the foundation. The President of the United States is the honorary chairman, and former President Herbert Hoover has been named as chairman. The foundation will promote the collection and disbursing of funds to be used for furthering the high purposes which motivated the life of Senator Taft. These purposes, stated briefly, will be the advancement of progress in the religious, charitable, scientific, literary, and educational fields in the United States.

As long as any of us survive, we shall remember with great appreciation the great public service of Bob Taft.

Mr. SMITH of New Jersey. Mr. President, I rise just to identify myself with what the majority leader said about the late beloved Robert A. Taft. I also have been honored by being invited

to be a charter member of the Robert A. Taft Memorial Foundation; and it is with the greatest pride and satisfaction I have accepted the invitation.

Mr. SALTONSTALL. Mr. President, as one who has been honored by being asked to be a charter member of the Board of Trustees of the Robert A. Taft Memorial Foundation, I desire to associate myself with the remarks of the majority leader and of the Senator from New Jersey [Mr. SMITH].

With the late Senator's name, his background, and what he stood for throughout his life, the Robert A. Taft Memorial Foundation will be of great value to all the citizens of the country.

Mr. FERGUSON. Mr. President, as one of the Senators who have been invited to become trustees of the Robert A. Taft Memorial Foundation, I should like to associate myself with the remarks of the distinguished majority leader and other Senators, because it is a great honor and a privilege to be associated with his name and with this undertaking.

LEGISLATIVE PROGRAM

Mr. KNOWLAND. Mr. President, I now desire to refer to the legislative program. I should like to make a brief announcement to the Senate. The pending business is Senate Resolution 301, submitted by the Senator from Vermont [Mr. FLANDERS]. I expect that, after the morning hour, the Senate will proceed to the consideration of the motion which is before us.

I hope that the Senate may continue in session until approximately 12:30 p. m. today. At that time I shall move a recess of the Senate until 2 o'clock. I consider this to be a matter of great importance. Inasmuch as there has been no committee consideration, in fairness to all parties concerned, I feel that every Senator should hear all the debate. The recess will permit the Senators to obtain their lunch and to return to the Senate Chamber.

The Senate will reconvene at about 2 o'clock and continue in session until approximately 7 or 7:30 tonight. At that point I shall move that the Senate stand in recess until Monday next.

I wanted Senators to be advised of the situation so that they could make their plans accordingly.

Mr. LANGER. Mr. President, will the Senator yield for a question?

Mr. KNOWLAND. Yes.

Mr. LANGER. Will the Senate session begin at noon on Monday, so that committees may have an opportunity to meet?

Mr. KNOWLAND. It is planned that on Monday the Senate will meet at noon, so that committees may function on Monday morning, and arrange their plans accordingly.

Mr. BUSH. Mr. President——

Mr. KNOWLAND. Mr. President, I yield to the Senator from Connecticut.

Mr. BUSH. Does the Senator from Connecticut correctly understand that the motion before us is the motion of the Senator from Vermont [Mr. FLANDERS] to take up the resolution of censure or——

Mr. KNOWLAND. I believe that is the motion, but I was about to address a parliamentary inquiry to the Chair so that we may have the correct picture before us.

Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. KNOWLAND. What is the pending question before the Senate?

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Wisconsin [Mr. MCCARTHY] to proceed to consider Senate Resolution 301, submitted by the Senator from Vermont [Mr. FLANDERS].

Mr. KNOWLAND. Mr. President, just a brief announcement, and I shall be finished.

When we shall have disposed of the Flanders resolution—and I cannot predict just when that will be—we shall, of course, resume consideration of the foreign aid bill. We shall continue consideration of the foreign aid bill until it is disposed of, and I shall then move to make the farm bill the unfinished business.

When the farm bill shall have been disposed of—and debate on that measure will probably continue for several days—I expect to move to proceed to consider a series of anti-Communist bills. There are three on the calendar, namely, Calendar No. 1720, Senate bill 3706, a bill to amend the Subversive Activities Control Act of 1950; Calendar No. 1834, Senate bill 3428, relating to the guarding of defense facilities protection against espionage and sabotage; and Calendar No. 1833, House bill 9580, to revise laws relating to espionage and sabotage.

Those bills will be followed by the proposed social security extension legislation, Calendar No. 2004, House bill 9366; the veterans' compensation bill, Calendar No. 2002, House bill 9020; the school construction legislation, Calendar No. 1797, Senate bill 2601; the Servicemen's Indemnity Act, Calendar No. 2003, House bill 5314; the unemployment compensation program, Calendar No. 1808, House bill 9709.

Following those bills, whenever they are ready, there will also be the foreign aid appropriation bill and the supplemental appropriation bill, and, of course, conference reports, as they become ready.

A number of other bills, announcement with respect to which has been previously given, will be taken up as they can be worked in.

When the foreign-aid bill has been disposed of, and just prior to the consideration of the farm bill, as previously announced, I expect to ask for the consent of the Senate to have a calendar call for the consideration of unobjected-to bills from the beginning of the calendar so that we may ascertain how many of the measures on the calendar can be disposed of. In that way the majority leader and the policy committee will be able to determine what remaining bills can be scheduled in the time that is left. I shall consult with the minority leader [Mr. JOHNSON of Texas] in regard to the further program.

I invite the attention of Senators to the fact that the House has adopted a concurrent resolution to adjourn sine die as of July 31.

Of course, the Senate will not adjourn as of July 31. At the proper time the Senate will have to amend that resolution so as to name the date which seems in keeping with the desires of the Senate. But the resolution is here to be amended and passed and returned to the House in preparation for adjournment sine die.

LEAVES OF ABSENCE AND PERSONAL STATEMENTS

Mr. GREEN. Mr. President, I regret to say before I knew of the meeting of the Senate this afternoon, I had made an engagement in my own State, which is quite important and which I feel obliged to keep. I ask to be excused, with the consent of the Senate, from 4 o'clock this afternoon on. I shall be here Monday morning for the convening of the Senate.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. HICKENLOOPER. Mr. President, it is essential that I be absent from the Senate this afternoon. It is a matter over which I have very little control. Therefore, at the conclusion of my remarks, I shall ask leave of the Senate to be absent this afternoon.

I expect to be present in the Senate Chamber on Monday, but in the event a vote is taken this afternoon upon the question of the resolution of the Senator from Vermont [Mr. FLANDERS], if it should become the business of the Senate, I wish to make my attitude perfectly clear. I shall vote against the resolution of the Senator from Vermont. I wish to make my position clear in the event a vote is had during my absence this afternoon.

I feel that there is no charge or specification involved in the resolution of censure by the Senator from Vermont which charges the junior Senator from Wisconsin [Mr. MCCARTHY] with any violation of the rules of the Senate or of the committee of which he is the chairman. I feel that the resolution is an utterly improper approach to a question involving a difference of opinion as to either methods or political position.

I invite the attention of Senators to the fact that for 2 weeks, with sessions running around the clock, the major portion of the business of the Senate was held up, and, therefore, the business of the Congress was held up, by what I consider to be the delaying tactic of a filibuster. Certain Senators do not agree with that viewpoint. However, I consider that that procedure did a disservice to the business of the Senate and to the United States. But should such tactics become the subject of a motion of censure against Senators who participated in what I believe to have been an unnecessary, unusual, and repetitious discussion of issues which could have been decided in about 4 days? Certainly not.

They were operating under the rules of the Senate.

It would be just as unconscionable to charge those Senators with conduct unbecoming a Senator or Senators, and to file a motion of censure against them because I happened to think that they delayed the business of the Government of the United States. As I say, certain other Senators do not agree with me.

I may or may not agree with the junior Senator from Wisconsin [Mr. McCARTHY]. Probably I do not agree with him in positions he has taken in many cases. I probably agree with the Senator on other positions he has taken. But for me to vote for censure because of a man's own personal convictions and his belief that he is properly discharging the responsibility which the people placed upon him when he was elected to the Senate, is utterly unconscionable.

Whenever the junior Senator from Wisconsin is charged with violating the rules of the Senate, I will meet that issue and vote on it. If I believe the Senator has violated the rules of the Senate in any way that deserves censure, I will vote to censure him.

The VICE PRESIDENT. The time of the Senator has expired.

Mr. HICKENLOOPER. I ask unanimous consent to proceed for 2 additional minutes in view of the fact that I am leaving the Chamber.

The VICE PRESIDENT. Without objection, the Senator from Iowa may proceed.

Mr. HICKENLOOPER. To censure the Senator from Wisconsin [Mr. McCARTHY] for pursuing the dictates of his own conscience, in the belief that he is representing the interests of his people and the Government, without pointing out specific alleged violations, is unconscionable, as I said a moment ago.

Mr. President, I suggest that hardly a week goes by in the Senate during which a Member or Members do not in some minor degree—and sometimes in a major degree—transgress and violate the rules of the Senate; but they are not called to account for such violations. We tolerate them.

In this case there is no transgression. There is no specific allegation of a violation of either the rules of the Senate or of the committee of which the junior Senator from Wisconsin is chairman.

I wish to make my position perfectly clear on the proposal of the Senator from New Jersey [Mr. SMITH]. If it is voted on today, I wish to declare that I am against it. I do not believe it is the proper procedure. I think it proceeds on the wrong assumption. In my judgment, it has no place in this proceeding.

If the resolution of censure comes up on Monday for a vote, I shall vote against it. If it comes up in my absence, I wish my position to be clear.

I shall vote to censure any Member of the Senate when I believe he is guilty of a violation of the rules and deserves censure, but I shall not vote to censure any Member of the Senate, regardless of how much I may personally disagree with his political or social views, when he is exercising the freedom, the liberty, and the rights which election to the office of Senator, not only of his own State, but of the United States, places upon him.

Now that I have made my position clear, Mr. President, I ask unanimous consent to be absent from the Senate for the remainder of the day.

The VICE PRESIDENT. Without objection, leave is granted.

Mr. REYNOLDS. Mr. President, the junior Senator from Nebraska is flying home to Nebraska over the weekend to attend the State convention of the American Legion, a convention which the Senator has not missed in 35 years.

The first question my comrades there will ask me is, "How did you vote on the McCarthy matter?" I desire to make my position clear in the RECORD.

Mr. President, there are many to whom the term "Johnny-come-latelys" might be applied in connection with the fight against communism, but that term cannot be applied to the American Legion. The American Legion's war started 35 years ago, come November 11 this year. It started at Centralia, Wash., when the American Legion post of that town, marching down the streets of its hometown on the first anniversary of the armistice, was fired upon by the IWW, the extreme radicals of those days. Warren Grim, the commander of the post, was shot and killed.

Much has been said about methods. The American Legion learned about methods the hard way. Rifle fire was the method of the IWW.

From that day until this minute the American Legion has declared and waged unrelenting war on all those who would destroy the American institutions for which all American veterans have fought.

Mr. President, I may or may not return in time to vote, but my vote will be subject to one test, and one test only. If either a vote "yea" or a vote "nay" will lend comfort in the slightest degree to the Communists and their multitudes of fellow travelers, then I shall not cast such a vote.

Mr. President, I request leave of absence for such time as may be necessary.

The VICE PRESIDENT. Without objection, leave is granted.

Mr. MARTIN. Mr. President, I ask unanimous consent to be excused from attendance on the session of the Senate for the remainder of the day, beginning at 12 o'clock noon. God willing, I shall return Monday morning.

I have missed the 35th reunion of the American Legion because of the work of the Senate.

I have missed the convention of the Veterans of Foreign Wars of Pennsylvania, which I have always attended, because of work in the Senate.

I have missed the 55th anniversary of my old regiment, which served in the Philippines. This morning that regiment will celebrate the 56th anniversary of its baptism of fire.

I have always opposed communism. I have always wanted to see proper procedure, so far as parliamentary bodies are concerned, and so far as our courts are concerned.

I desire to leave this message: If the Senate votes on the resolution of censure this afternoon, I desire to be recorded as in opposition to it. I shall read the speeches which are delivered this afternoon.

I hope the question will be considered in an orderly manner, as any court proceeding or parliamentary proceeding should be conducted.

I am very sorry not to be able to be present this afternoon. I desire to have the RECORD show my views.

The VICE PRESIDENT. Without objection, leave of absence is granted the Senator from Pennsylvania.

On his own request, and by unanimous consent, Mr. FERGUSON was excused from attendance on the session of the Senate on Monday, August 2, because of a death in his family.

IMPLEMENTATION OF UNIVERSAL COPYRIGHT CONVENTION

Mr. WILEY. Mr. President, I was pleased to note that yesterday the Senate Judiciary Committee reported a bill to implement the Universal Copyright Convention which had earlier been approved by the Senate.

It is my earnest hope that very shortly the Senate companion bill, S. 2559, can be brought up for final Senate debate.

The convention and the domestic implementing bill necessary to the convention going into effect are of major and historic importance to the American book, magazine, music-publishing, and printing industries; to the American motion-picture industry, American authors, composers, and playwrights; to scholars, educators, and librarians; and to a great variety of other organizations.

I know that my colleagues, once the bill is brought up on the Senate floor, will promptly approve it, because it would be unthinkable for the convention to fail to take effect before next year.

I send to the desk a list of the organizations supporting the Universal Copyright Convention and related legislation. I ask unanimous consent that this list be printed at this point in the body of the CONGRESSIONAL RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

GROUPS SUPPORTING THE UNIVERSAL COPYRIGHT CONVENTION AND THE RELATED LEGISLATION

(S. 2559, Senator LANGER; H. R. 6670 and H. R. 6616, Congressmen REED and CRUMPACKER)

American Academy of Arts and Sciences.
American Bar Association.
American Book Publishers Council, Inc.
American Civil Liberties Union.
American Council on Education.
American Council of Learned Societies.
American Library Association.
American Society of Composers, Authors, and Publishers.
Artists Equity Association.
Association of American University Presses.
Authors League of America.
Book Manufacturers' Institute.
Catholic Library Association.
Chicago Bar Association.
Chicago Patent Law Association.
Christian Science Church.

Congress of Industrial Organizations.
Copyright Committee of the Bar Association of the City of New York.
Curtis Publications.
Federal Bar Association.
Hearst Publications.
Inter-American Bar Association.
Los Angeles County Bar Association.
McGraw-Hill Publishing Co.
Music Publishers Association.
Music Publishers Protective Association.
Mystery Writers Association of America.
National Association of Radio and Television Broadcasters.
National Music Council.
Patent Bar Association.
Photographers' Association of America.
Protestant Church-Owned Publishers Association.
Reader's Digest.
Song Writers Protective Association.

A PERMANENT MERCHANT MARINE ACADEMY

Mr. WILEY. Mr. President, I was pleased to note that yesterday the House of Representatives, by voice vote, passed H. R. 9434 to amend section 216 (b) of the Merchant Marine Act of 1936, as amended, to provide for the maintenance of a United States Merchant Marine Academy.

It is my pleasure to serve as a cosponsor of a companion bill on the Senate side for this same purpose, S. 3610.

On July 23, our colleague, the senior Senator from Maryland [Mr. BUTLER], commented in the CONGRESSIONAL RECORD, on page 11576, on reasons why a Senate Commerce Subcommittee which he heads has decided to temporarily defer action on this proposed legislation.

I earnestly hope that our associate and his colleagues will now, however, decide to reconsider their position, notwithstanding the reasons set forth in the July 23 statement.

A strengthened United States merchant marine is absolutely required in this age of great danger.

If Congress does not take action in this session, it may be a year or longer before final action again looms as possible. That year should not be lost.

I ask unanimous consent to have printed in the RECORD the text of a telegram which I have received from Mr. James J. Murphy, president, Alumni Association of the United States Merchant Marine Cadet Corps.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

NEW YORK, N. Y., *July 31, 1954.*

SENATOR WILEY,
Senate Office Building,
Washington, D. C.:

Unanimous action of the House on H. R. 9434 is a clear manifestation of the support for this bill. This action was taken notwithstanding the position of Secretary Weeks and represents a unanimity for the bill that is most gratifying. I sincerely trust that the House action will influence favorable action in the Senate on the companion bill S. 3610. Any floor action by the Senate will receive the support of a majority of the Senators. I sincerely trust that you can move S. 3610 to the floor of the Senate.

Very truly yours,

J. J. MURPHY,
National President Alumni Association of the United States Merchant Marine Cadet Corps.

SALVATION ARMY WEEK

Mr. WILEY. Mr. President, one of the great and universally esteemed organizations of our land is the famed Salvation Army.

There is now pending in the Senate Judiciary Committee a resolution for observance of a week in its honor. Although introduced earlier this month, I trust that the resolution will be promptly and favorably acted upon before adjournment.

I send to the desk the texts of several messages which I have received from several of Wisconsin's most distinguished citizens. They have highly and rightly praised the work of this great organization which, incidentally, administers 6,400 centers of charitable and religious work. These messages were personal expressions to me, but I feel will evidence the high caliber of lay leaders supporting this organization.

I ask unanimous consent that these messages, all of which come from men whom I esteem as great and good friends, be printed in the body of the CONGRESSIONAL RECORD at this point, together with a letter from Lieutenant Colonel Leader, of Wisconsin divisional headquarters. I ask that they be followed by the text of the actual resolution which was offered by our able colleague, the senior Senator from New York [Mr. IVES].

There being no objection, the letters and the resolution were ordered to be printed in the RECORD, as follows:

MILWAUKEE, WIS., *July 29, 1954.*

Hon. ALEXANDER WILEY,
Senate Office Building,
Washington, D. C.

DEAR SENATOR WILEY: As a trustee of the Salvation Army here in Milwaukee, I would request that, if you can, you favor the Joint Resolution No. 173 now in the Senate to authorize the President to proclaim the week of November 28, 1954, through December 4, 1954, as National Salvation Army Week.

I have served as a trustee of this wonderful organization for several years, and can truthfully say that the work which it performs is of tremendous importance, and the good effect thereof is felt throughout the Nation. I feel that the Salvation Army deserves the recognition provided for in this joint resolution.

With kindest regards,
Sincerely yours,

LEON B. LAMFROM.

ALBERT H. WEINBRENNER CO.,
Milwaukee, Wis., July 29, 1954.

Senator ALEXANDER WILEY,
United States Senate,
Washington D. C.

MY DEAR FRIEND: You perhaps recall that for a period of 2 years I was president of the Citizens' Advisory Committee of the Salvation Army in Wisconsin.

Knowing the Salvation Army and its ideals so intimately, I am very much interested in a joint resolution which Senator IVES introduced before the Judiciary Committee on July 9. I am attaching a copy of this resolution.

I trust that you can and will give your favorable consideration to Senator IVES' resolution regarding the Salvation Army.

My kindest personal regards,
Sincerely yours,

JOHN E. DICKINSON.

GLOBE-UNION, INC.,
Milwaukee, Wis., July 29, 1954.

The Honorable ALEXANDER WILEY,
The United States Senate,
Washington, D. C.

DEAR SIR: Having an interest in the work of the Salvation Army and being actively a member of their advisory board of the Milwaukee unit, I wish to urge your favorable consideration of the Senate Joint Resolution No. 173, authorizing the President to proclaim the week of November 28 through December 4, 1954, as National Salvation Army Week.

Being fully aware of the fine work this organization is doing, I am sure you will give support to the passing of this resolution.

Very truly yours,

WM. M. WANVIG.

THE SALVATION ARMY,
Milwaukee, Wis., July 26, 1954.

Senator ALEXANDER WILEY,
United States Senate,
Washington, D. C.

MY DEAR SENATOR: Senator IRVING M. IVES (New York) has recently presented Senate Joint Resolution 173 to the 2d session of the 83d Congress.

This resolution requests the President of the United States to proclaim the week of November 28 to December 4, 1954, as National Salvation Army Week, honoring the Army for 75 years of service to humanity in the United States.

Naturally, this resolution is of great interest to us in the Salvation Army. We hope that you will be able to give it your support when a vote is called.

Yours sincerely,

DALLAS P. LEADER,
Lieutenant Colonel, Divisional Commander.

Joint resolution to authorize the President to proclaim the week of November 28, 1954, through December 4, 1954, as National Salvation Army Week

Whereas in October of 1879 a lone woman Salvation Army officer, Lt. Eliza Shirley, encouraged the formation of an official party, comprising seven women officers and Commissioner George Scott Railton, to extend the work of the Salvation Army in the United States; and

Whereas today the Salvation Army has grown into a huge operation with its 3,996 officers administering 6,400 centers of charitable and religious work assisted by 34,687 prominent citizens of all races and creeds who have formally associated themselves in the close relationship of lay leadership; and

Whereas the Salvation Army, acting under a charter issued by the State of New York in 1899, is an organization designed to operate as a religious and charitable organization with the following purposes: The spiritual, moral, and physical reformation of all who need it; the reclamation of the vicious, criminal, dissolute, and degraded; visitation among the poor and lonely and sick; the preaching of the gospel and dissemination of Christian truth by means of open-air and indoor meetings: Therefore be it

Resolved, etc., That the President of the United States is requested and authorized to officially proclaim the week beginning November 28, 1954, through December 4, 1954, as National Salvation Army Week.

MESSAGES ON FARM PARITY SUPPORT

Mr. WILEY. Mr. President, messages continue to pour into my office on the absolute necessity of strong farm parity support legislation. One telegram to me yesterday afternoon reported that farmers were receiving as little as $2.60 per hundredweight of milk. This is a piti-

fully small return for the farmer's hard labor and investment.

I send to the desk two representative messages which I have received. I ask unanimous consent that they be printed at this point in the body of the CONGRESSIONAL RECORD.

There being no objection, the telegrams were ordered to be printed in the RECORD, as follows:

CHICAGO, ILL., *July 16, 1954.*

Senator ALEXANDER WILEY,
Senate Office Building:

Upon behalf of 16,500 Pure Milk Association dairy farmers we strongly urge your support of Senate farm bill, S. 3052, as reported by Senate Agriculture Committee.

W. E. WINN,
President, Richmond, Ill.
H. C. KLEET,
Joliet, Ill.
J. J. VOLKERING,
Burlington, Wis.
F. HIIGLI,
Union Mills, Ind.
H. NOREM,
Newark, Ill.
C. M. COSGROVE,
Elgin, Ill.

CHIPPEWA FALLS, WIS., *July 29, 1954.*

Senator ALEXANDER WILEY,
Senate Office Building:

Wisconsin Farmers Union urges you to support Senate Agriculture Committee majority report. We further request amendment to raise dairy supports to at least 90 percent parity. Milk prices to farmers now lowest since 1938. Our plant hit new low of 2.60 hundredweight. Consumers not benefiting in farmers low prices.

WISCONSIN FARMERS UNION,
K. W. HONES, *President.*

THE MUTUAL SECURITY ACT OF 1954

The VICE PRESIDENT. If there be no further morning business to be transacted, the Chair lays before the Senate the unfinished business, which the Secretary will state for the information of the Senate.

The LEGISLATIVE CLERK. A bill (H. R. 9678) to promote the security and foreign policy of the United States by furnishing assistance to friendly nations, and for other purposes.

THE JUNIOR SENATOR FROM WISCONSIN

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Wisconsin [Mr. MCCARTHY] to proceed to consider Senate Resolution 301, submitted by the Senator from Vermont.

Mr. FLANDERS. Is it not true that the Senate has not heretofore voted to consider the resolution of censure?

The VICE PRESIDENT. That is correct. The Senator from Vermont will recall that the Chair was putting the question on the motion of the Senator from Wisconsin, but the Senator from Oregon [Mr. CORDON] was on his feet seeking recognition.

Mr. FLANDERS. May we not have a vote on that motion?

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Wisconsin [Mr. MCCARTHY] to proceed to the consideration of the resolution (S. Res. 301) to censure the Senator from Wisconsin [Mr. MCCARTHY].

The motion was agreed to; and the Senate proceeded to consider the resolution.

Mr. SMITH of New Jersey. Mr. President, I desire to address myself to this controversial matter in a spirit somewhat different, I think, from the spirit in which it has been discussed. I have thought and felt deeply on this matter for some months.

Two days ago I announced on the floor of the Senate that I proposed to offer an amendment in the nature of a substitute for the pending resolution of the Senator from Vermont [Mr. FLANDERS], but before formally offering it—which I shall do in a few moments—I desire to tell my colleagues my approach to this matter and the reason I shall offer this substitute.

I have been criticized on the ground that I am trying to evade the issue. That is not true. I am not afraid of the issue any more than is any other Senator. My position as a critic of the junior Senator from Wisconsin [Mr. MCCARTHY] is well known.

I agree with the statement made last night by the Senator from Oregon [Mr. CORDON] and other Senators, that the resolution in its present form is not one which we should take up in this form.

Frankly, Mr. President, I say with all kindness to my distinguished colleague from Illinois [Mr. DIRKSEN], I was deeply distressed by his approach to this question. It seemed to me he was getting away from what is before us and trying to charge, I think unfairly, to the proposer of the resolution motives which I am certain were not his. In my judgment, the proposer of the resolution, the Senator from Vermont [Mr. FLANDERS] is acting from the highest motives and from deep convictions, and I do not accept the suggestion that he is a part of a crusade to destroy the junior Senator from Wisconsin.

Mr. President, my conviction is that the question is not who is to blame for the situation in which we find ourselves or who is to blame for the fact that this resolution is before us. The issue is, what is the right thing to do under these circumstances.

I gave a great deal of thought to this matter while the McCarthy-Army hearings were going on. I was not able to attend those hearings because of the pressure of business, but I doubt that I would have attended anyway, for I was very much disturbed by the publicity, and other circumstances which accompanied the hearings and by the unfortunate impression that was given to the public of America by the hearings.

Let me say at this moment, before I discuss my amendment in full detail, that, in suggesting the creation of the committee I propose in the amendment, I have no intention of having it hold any such sessions as those TV hearings were. I am not suggesting any public hearings. I am not suggesting a trial of Senator MCCARTHY. In fact, if the committee I propose is set up, I hope Senator MCCARTHY will be invited to discuss with it the approach which should be taken to the serious question we are facing.

Mr. President, I am troubled by another matter in connection with the Flanders resolution. I have had the great honor of being a Member of this body for 10 years, and I have made it a principle never in any way to raise on the floor of the Senate the question of the personalities of my colleagues. The time may come when we may have to consider that question if something very flagrant is done, but I have felt that we should limit ourselves on the floor of this great body to a discussion of the issues before us. Differ violently, if we will, on what those issues are, but not question the motives of those who raise the issues.

I have the great privilege, Mr. President, of serving as the chairman of a committee in which we do have differences of views, but I would be opposed to any criticism or censure of my colleagues on the Democratic side because they did not happen to agree with the position I took or the position my party took. This year on a number of occasions we have had differences, and I know there was hard feeling at times, which I regret, but to my mind the question of personalities or charging Senators with wrongful motives is something below the dignity of this great body.

Mr. President, while the McCarthy-Army hearings were going on, another question which rose in my mind was whether it was possible to settle this controversy. Do we have to have violent battle and competition between the groups who have these different views? I was very critical of the junior Senator from Wisconsin when it seemed to me he defied the President of the United States in regard to certain classified documents, and I made a public statement that it was wrong. The junior Senator from Wisconsin is aware of that fact, and I do not think he criticized me for it. I believe he realizes that I had a right to criticize him and to take sharp issue with him. But from that moment it was my determination to try to work with the junior Senator from Wisconsin to see if we could not together devise, without these charges and countercharges, an approach to this subject which might bring us into unity rather than disunity, and into cooperation rather than divisiveness.

The day the McCarthy hearings were concluded, my office, at my direction, called the office of the junior Senator from Wisconsin and requested a conference for me with the Senator. The Senator was away. A few days later I repeated the request. I said, "Please get the information to the Senator, if you can locate him, that the Senator from New Jersey would like to talk to him." Finally, when the junior Senator from Wisconsin returned, we had a talk, and I told him what was on my mind. I told him that it seemed to me he was in a unique position to say to the President of the United States that he was as much concerned as we all were over the divisiveness and the exchanges of criticisms which were developing from the hearings, and I suggested that he could very appropriately move in and say he regretted that situation and wanted to work with the President of the United

States, not against the President of the United States, and wanted to put whatever knowledge he had, whatever skills he had—and he has many valuable and brilliant skills—at the disposal of the President and of the administration.

I did not mean that the committee of which he is the chairman should not remain alert to the dangers that surround us, but I did suggest to him that it would be appropriate for him, in light of the fact that he is such a controversial figure, to say that he would be glad temporarily to suspend the immediate operations of his committee and temporarily, at least, recognize that there had just been set up in the Department of Justice a new division for the purpose of studying and weeding out Communist subversives wherever they might be found in the United States. I called to his attention that it was a great source of pride to me and to my colleague from New Jersey [Mr. HENDRICKSON] that, of all the Federal district attorneys in the United States, the man who was in office in New Jersey at that time, appointed so recently, should have been chosen by the Attorney General and the President to head this new division.

I asked the junior Senator from Wisconsin if he would be willing to meet with Mr. Tompkins, who is the head of the division, to discuss these questions. I am very happy to say that the Senator said he would be very glad to cooperate. That was reassuring to me.

I was a little brash, perhaps, but I even suggested to the junior Senator from Wisconsin the kind of communication I thought he might send to the President, which I believe would be received with enthusiasm by the President, indicating ways in which these operations might be brought together, and ways in which the junior Senator from Wisconsin might continue his contributions, with the knowledge and the information he has. I thought that by offering, in this instance, to cooperate, there would be brought about a joint effort and a healing of the wounds which appear to be in evidence throughout the country. My letters show that on the one hand there are those who think the junior Senator from Wisconsin is being persecuted, and on the other, those who think he is defying the President of the United States, and should be punished.

My point of view is that I would rather invite the junior Senator from Wisconsin to join with us, and challenge him to discontinue those activities which we think are inappropriate, for which I am prepared to criticize him, but for which I am most reluctant to censure him publicly.

What I want to see is an approach of that kind. I do not want the Senate of the United States as a whole to consider the matter simply as what might be called a pro-and-con discussion between the two groups, pro-McCarthy and anti-McCarthy; but if we are to try the Senator, let us have a proper trial and put it on the books.

But I do not want to try the junior Senator from Wisconsin. I want to suggest the other approach. I asked, How can we bring that about? I thought it could be brought about if it were made clear in our minds that the issues I was trying to present were the real issues, and not a question of who is wrong and who is right.

If the situation could be handled in that way, the Vice President of the United States could be asked to designate 3 Members of the Senate nominated by the Republican policy committee and 3 Members of the Senate nominated by the Democratic policy committee. The Vice President could then be asked to sit with that group, not to hold hearings, not to conduct television circuses, not to have a repetition of what has happened before, but to decide together what is in keeping with the dignity of the United States Senate and what is the responsibility of the United States Senate. The junior Senator from Wisconsin could be asked to join with the committee and agree to abide by the decision of such a group.

With these thoughts in mind, considering the trouble which the problem has caused me in my own thinking, I have prepared my resolution. In the first draft, which I sent to every Member of the Senate, I used the word "McCarthyism," because I thought that that, in a general sense, indicated the difficulty with which we were struggling. My first draft read as follows:

> The disunity in the country over the alleged good and evil of so-called McCarthyism—

I was not simply speaking of something evil, because I recognized the possibility that there was some good in the activities of the junior Senator from Wisconsin. I wanted to give the junior Senator from Wisconsin full credit for the good things he has done in fighting the dangers confronting the country. So at the suggestion of some friends yesterday I have amended my amendment to eliminate the word "McCarthyism," because I realize that it might cause some emotional feeling. I do not want any such feeling to exist. I want to have an attitude of challenge, to see if the problem cannot be solved in a statesmanlike way. So my amendment now has one little change: I intend to offer the amendment as a substitute, and presently I shall send it to the desk. I do not intend to call it up immediately, because I do not wish to foreclose any other Senator from making suggestions which may be better than mine. I shall merely ask to have the amendment lie on the desk, and I shall call it up at such time as I deem appropriate, prior to the vote on the resolution of the Senator from Vermont [Mr. FLANDERS].

My amendment in the nature of a substitute reads as follows:

> Strike out all after the resolving clause and insert in lieu thereof the following:
>
> "That the Senate views with real concern the growing divisiveness and disunity in the Senate and throughout the country over the problems created by the fact that there had been infiltration of Communists and other security risks into sensitive positions, and the methods and procedures employed in exposing and eliminating such security risks."

I am trying to remove any element of personality, and to get to the issues which are before the country, to see if our forces can be brought together, and if we can recognize the common enemy of the country, which is the present Communist risk. I continue to read the resolution:

> *Resolved further*, That it is the immediate responsibility of the Senate to deal with this critical situation in an objective, judicial, and statesmanlike manner.

If there were involved ultimate criticism of the junior Senator from Wisconsin, that would be up to the committee. I do not intend that the proposed committee should try the junior Senator from Wisconsin. I continue to read:

> *Resolved further*, That the Vice President of the United States immediately appoint a special bipartisan committee of the Senate to investigate and report with recommendations to the Senate on this controversial matter. The committee shall be composed of 6 Senators, 3 of whom shall be nominated by the Republican policy committee and 3 by the Democratic policy committee.

They do not necessarily have to be members of the policy committees, but they shall be nominated by those committees. Senators other than those on the policy committees may be available and chosen for this important work. I continue to read:

> The Vice President shall be ex officio chairman of the group. The committee shall report with recommendations to the Senate not later than February 1, 1955.

I do not intend that there shall be any partisan wrangling in the Senate. I think it would be wiser to have a committee appointed, the committee then to work objectively for the best interests of the United States, the Senate, and the dignity of the Senate, which we are seeking to preserve. In my judgment, this is the approach which should be made to this important question.

Mr. President, I now send to the desk my amendment in the nature of a substitute, which I ask to have lie on the desk until I feel the time has come to ask for a vote on it.

The VICE PRESIDENT. The amendment will be received, printed, and lie on the table.

Mr. SMITH of New Jersey. In closing, I simply wish to say that I believe the committee, if it be chosen, could deal with these problems and could be of great service to the country.

In the first place, unless it be provided otherwise, the committee could consider the entire question of rules. I know that my distinguished colleague, the Senator from Connecticut [Mr. BUSH], has offered a very fine set of rules. Other rules have been offered and are being considered by the Committee on Rules and Administration, of which the distinguished junior Senator from Indiana [Mr. JENNER] is chairman. But the committee I am proposing could help to solve the question of rules designed to protect witnesses under the safeguards of the Constitution of the United States. It has long been my conviction that the rules of the Senate should definitely take into consideration that situation.

Second, I suggest—and this is a matter which I have discussed with the junior Senator from Wisconsin [Mr.

McCARTHY]—that until the ad hoc committee acts and its recommendations are made known, the Senate should postpone action by the present Subcommittee on Investigations.

I understand there are pending some investigations of defense production plants, and activities of that sort. Except for such investigations, I should say the other activities should be suspended until the procedure I have suggested can be brought about.

Third, and most important, I hope there may be worked out with representatives of the executive branch of the Government, including the President himself, and his associates, a proper relationship between the departments of the Government and the investigating committees of the Senate. We all know that investigating committees are essential and proper, but a way must be developed to insure cooperation between them and the departments of the Government.

Then I hope we can line up the Congress wholeheartedly behind the new division of the Department of Justice to which I have referred, and which should have the wholehearted support of all of us, including, I hope, that of the Senator from Wisconsin.

Mr. President, I send forward my amendment and ask that it lie on the table until it be taken up at the proper time for such action as may be appropriate.

Mr. MUNDT. Mr. President, will the Senator yield?

Mr. SMITH of New Jersey. I yield to the Senator from South Dakota.

Mr. MUNDT. I listened with interest to the suggestions of the Senator from New Jersey with respect to the duties and responsibilities proposed to be given to the committee which he suggests. During the course of the recent hearings, in dealing with one phase of the investigatory problems, repeatedly we were called to face a problem generally known by Members of the Senate, and that is that one of the spots where our security program was weak was the failure to have developed in our methods up to now an effective means for utilizing reports that the FBI was carefully, effectively, and efficiently producing as a result of its field studies.

We found that after the FBI had made its studies and reports to the various departments there is an understandable reluctance on the part of administrative heads to take prompt action with regard to the reports they have. The Department head is inexperienced in evaluating such reports. It is a difficult decision to make. So there is a tendency to defer and delay making a decision.

The Senator from South Dakota has on his desk a bill that he has worked over which contains a proposal for meeting this problem, and I understand that the President, also, by executive action, may make some kind of determination which will reach this particular point.

I think we should all recognize the difficulty which is being endeavored to be reached by the proposal of the Senator from New Jersey. The Senator's proposal contemplates, as I understand his substitute, that the top-level committee could devote some time to that particular problem, and perhaps make some suggestions to the Senate, and to the executive departments as to what might be done to tighten up our security as a result of this loose link in the chain of our program for protecting our Government against those endeavoring to infiltrate and corrupt it.

Mr. SMITH of New Jersey. That is entirely agreeable. It is contemplated that the proposed committee would do just that. I do not want that committee to bring a lot of witnesses before it and have a fracas going on. That would destroy the effectiveness of the committee. The proposal is to have a group of patriots, with the Vice President presiding. As the Senator from Connecticut [Mr. BUSH] and others have suggested, the Jenner committee should confer with it. I have included all such activities in contemplation of the committee. I would expect to have the junior Senator from Wisconsin [Mr. McCARTHY] invited to meet with that committee.

I hope that by challenging the junior Senator from Wisconsin to play ball with us we will get results and will eliminate some of the things which have occurred, and for which the junior Senator from Wisconsin was subject to criticism.

If I were to vote against the Flanders resolution, then it would seem to me that I would, in a sense, be whitewashing what the junior Senator from Wisconsin has done; and I cannot do that.

If I voted in favor of it, I would feel it would be the wrong way to charge the Senator, and that we would not have given him a full day in court.

I admit I am in a real dilemma on the question. I do not want to vote for the resolution, but I do feel we should challenge the junior Senator from Wisconsin to play ball with us in the spirit in which we should be working together for unifying America, and not have a division throughout the country.

Mr. MUNDT. Since the Senate has determined to endeavor to solve the problem, I hope we can look forward to a constructive program that may flow from this consumption of time. The most constructive thing that could result from a debate at this time would be, at long last, to find a solution to the problem created by the failure to act promptly and effectively on FBI security reports. Up to now no effective or intelligent manner has been found for utilizing the FBI reports which are submitted to heads of departments. It is easy to criticize a Cabinet member or the head of a bureau, when an FBI report has cast doubts and suspicions, and has made allegations against an employee in his department. It is easy to criticize him for not summarily dismissing such employee. But I suppose many of us in that position, if we received such a report, would also consider making such a decision a distasteful duty. Human nature being what it is, it is easy to delay and defer and put such a report in the file.

As a result, we had the Harry Dexter White and Alger Hiss developments, as well as others. So, if some method were developed—and I am sure we are intelligent enough to devlop one—I am confident a method under the executive head could be evolved for correcting this weakness. If that is not the proper approach, perhaps something along the line the Senator from South Dakota has suggested would be proper. My proposal would create a group on evaluation which would be skillful and determined in evaluating reports the FBI produced, and then make action on the part of the executive agency mandatory. There would be little work for executive investigating committees to do if a method were found for evaluating reports produced by the FBI, and then requiring prompt corrective action. It is because no action is taken on such recommendations that we get into the investigating field as extensively as we must.

Mr. SMITH of New Jersey. I have discussed this matter with Mr. J. Edgar Hoover. He is very much in sympathy with what I have been trying to say. He knows of the value of the junior Senator from Wisconsin, but he is also critical of the way the junior Senator from Wisconsin does things. I am sure we can get a proper method worked out, so the forces working on this problem may work for us all.

Mr. MUNDT. Another one of the difficulties brought to light as a consequence of the late hearings over which the Senator from South Dakota was required to preside was the fact that there is no clear line of demarcation between the responsibilities, functions, and powers of the executive, and the responsibilities, functions, and powers of the legislative committees. It would be my hope that the proposed committee suggested by the Senator from New Jersey, if it is created, would have broad enough power to make recommendations in this area, after consultation not only with the appropriate Members of Congress, but also with the proper authorities within the executive branch.

There should be a definition of what is the proper responsibility of the executive in connection with personnel reports, and what is the proper authority of Congress, in connection with such personnel reports. We have had arguments and quibbles on that question in the American Congress since the days of George Washington. It was not so serious then, but when we are confronted with a worldwide conspiracy such as communism, it is important. The problem was not serious prior to our recognition of Russia, but now Russia has an Embassy on 16th Street which "doubles in brass" as an organization having diplomatic immunity and at the same time being an outpost for spies.

It is important that we all work as a team, because everyone in the executive and in the Congress is reaching toward the same goal, which is that of trying to protect ourselves in this atomic age against a threat that can ruin everybody.

Does the Senator from New Jersey think his resolution is sufficiently broad to cover those matters?

Mr. SMITH of New Jersey. I have not thought through all of the ramifications mentioned by the Senator from South Dakota, but when the Senator uses the word "team" he says in one word what I am talking about. We need a team in the Senate, on both sides of the aisle, in order to face adequately the Communist menace.

Mr. MUNDT. The word "team" brings to mind the word "game." The word "game" brings to mind the concept of rules and regulations. For a team to work successfully, I believe there must be rules and regulations, both on the side of the executive and on the side of Congress, which both branches of Government will understand and accept. If we have such teamwork, it will be comparatively simple to solve the security problem, and there will be concerted action instead of conflict and confusion.

Mr. SMITH of New Jersey. I thank the Senator for his contribution.

Mr. McCARTHY. Mr. President, will the Senator yield?

Mr. SMITH of New Jersey. I yield to the Senator from Wisconsin.

Mr. McCARTHY. I can agree with much the Senator from New Jersey has said. However, he made one remark which I should like to correct, if I may. The Senator said he hoped I would "play ball with us." I do not know whom he means when he uses that term. The Senator also, I think, without intention, created the impression that I might, as chairman, have desisted from performing my duty as chairman in the hearings which were held. I may say to the Senator from New Jersey that if by "playing ball," he means to quit the investigation of communism, graft, and corruption, I will never play that kind of ball. I wish to make that very clear.

Mr. SMITH of New Jersey. I am sorry the Senator has made that interpretation. I have a feeling there is some solution somewhere whereby the Senator and the administration can approach each other and work out these problems. Of course, if Communist infiltration is found anywhere, we all want to keep our eye on it. I think the important activities of the committee could be continued. All of us have responsibility in this matter, and we want the Senator from Wisconsin to be one of us, and not a separate item in the picture.

Mr. McCARTHY. Mr. President, if the Senator from New Jersey will yield again, let me say I am sure he did not wish to create the impression, but I think it would be a great disservice to our President to create the impression that he would want investigating committees to stop their work. The President campaigned from coast to coast—honestly so and effectively so—against the graft, corruption, and Communist infiltration which he felt existed, not because of the good Democrats we have here, but because of the type of bureaucracy which grew up over the past 20 years. He said, "We are going to clean house."

As chairman of a committee established under the Reorganization Act, I have no choice but to continue. I wish to make it clear that there is not now, there never has been, there never will be, so long as I am chairman of that committee, any agreement on my part to desist from exposing wrongdoing. That is my job. I have no choice but to do that, and I intend to continue.

So when the Senator from New Jersey talks about "playing ball," I do not know what he means; but I wish to make it clear that if "playing ball" means that I would quit digging out Communists, then, as I say, I will never play that brand of "ball."

Mr. SMITH of New Jersey. Mr. President, the Senator from Wisconsin knows perfectly well that I am not suggesting such a thing.

I am simply asking him to cooperate with a committee which I suggest be established, so as to see whether we can work out a formula for handling this subject.

Mr. President, I yield the floor.

Mr. BUSH. Mr. President——

The VICE PRESIDENT. The Senator from Connecticut is recognized.

Mr. BUSH. Mr. President, in common with my fellow Senators, I rise with a very heavy heart to speak about this matter today. I think there is nothing more unhappy or more unfortunate than for the United States Senate to have to consider a vote of censure on one of its Members. I have felt many times, Mr. President, that a vote of censure or some sort of censure would be effective and was merited by the junior Senator from Wisconsin [Mr. McCARTHY].

I was very much moved last night by the statement of the senior Senator from Oregon [Mr. CORDON]. It was a splendid reminder of our duties and our obligations in connection with this very weighty decision. Likewise, I was very much impressed with the statement of the junior Senator from Oregon [Mr. MORSE], a distinguished constitutional lawyer, although one with whom I seldom agree on matters of economic legislation. On other legislative matters and a general political philosophy we seem miles apart at times. But what he said last night rather shook me, and I think we should consider it very closely.

As I have thought about it overnight, I wonder whether the proceedings in connection with a vote of censure can be compared to the proceedings in dealing with an illegal act or a criminal act or something of that kind, where the processes of law came into play; or whether the proceedings in connection with a vote of censure are something very different from that, and that perhaps a vote of censure is only a reminder of one's duties or obligations as a United States Senator.

I was somewhat disturbed by the remarks made by my distinguished friend, the junior Senator from Illinois [Mr. DIRKSEN], because the inference to be drawn from what he said was that if one toyed with the idea of censure or thought it worth considering, he was "in bed" with the Communists, with the ADA, with the National Committee for an Effective Congress, or with Walter Reuther. That disturbed me, Mr. President. Most of those persons have opposed me consistently since I have been in public life. Some of them—not the Communists, so far as I know, but some of the others—have supported my opponents. I do not think it is fair to say that because one may hold reservations about the methods employed by the junior Senator from Wisconsin, one is to be classed with the Communists or with the ADA or as a tool of Walter Reuther. Their reservations concerning the junior Senator from Wisconsin may be on very different grounds from those on which I hold my reservations. Perhaps they are. But I have a right to hold my views without having a fellow Senator draw the inference, at least, that I am "in bed" with such persons.

Mr. President, I have been particularly concerned about this matter this year, although it is not new with me, for during the campaign in 1952 I expressed very strongly and very definitely my reservations concerning the methods employed by the junior Senator from Wisconsin. I did so publicly, and I did so in his presence in my own State, before an overflow audience of very stanch admirers of the junior Senator from Wisconsin. The junior Senator from Wisconsin himself was there. We sat down, after that meeting, and had a talk. I said then to the junior Senator from Wisconsin, "Senator, you make it very hard for a Republican like me to go along with you, because of the strange things you do, things that do not seem to me to be fair, and I wish you would not do them."

I shall not go into the whole conversation. It was friendly. The Senator from Wisconsin has always been friendly to me. He seems to be a friendly man in his personal life. People like him because he is friendly, and he likes people. I suppose that is the reason why people like him.

But, Mr. President, in this entire matter I have had a growing feeling that the Senate itself has a real responsibility; that in a way we are responsible for this affair, because, as has been said here, even this morning, if we had adopted an adequate code of fair procedure in connection with investigations, I doubt very much that we would be sitting here on this Saturday morning, discussing this question. I suggest that most Senators would likely agree with me that we would not be here if we had established rules under which investigations should be conducted, rules which would establish Senate responsibility, rules which would establish majority responsibility of committees, and rules which would offer to witnesses adequate protection and assurances of fair play.

Mr. President, that is the subject I propose to discuss not too long this morning. I now send to the desk an amendment which I intend to offer as a substitute for the resolution of the Senator from Vermont [Mr. FLANDERS]. I ask to have my proposed substitute printed, and I ask that it lie on the desk, and that it be read at this time by the clerk.

The PRESIDING OFFICER (Mr. PAYNE in the chair). The amendment intended to be proposed by the Senator from Connecticut will be received and printed, and will lie on the desk; and, without objection, it will be read at this time by the clerk.

The LEGISLATIVE CLERK. In Mr. FLANDER'S resolution, it is proposed to strike out all after the word *"Resolved"* and to insert:

That rule XV of the Standing Rules of the Senate is amended by inserting at the end thereof the following:

"3. All bills and resolutions to authorize the investigation of a particular subject matter shall define such subject matter clearly, and shall state the need for such investigation and the general objects thereof."

SEC. 2. Rule XXV of such Standing Rule is amended by deleting the title "Standing Committees" and inserting in lieu thereof "Powers and Duties of Committees."

SEC. 3. Paragraph (b) of subsection 3 of such rule XXV is amended to read as follows:

"(b) Unless the committee otherwise provides, one member shall constitute a quorum for the receipt of evidence and the taking of testimony; but no witness shall be compelled to give oral testimony before less than two members if, prior to testifying, he objects to the presence of only one member."

SEC. 4. Such rule XXV is amended by inserting at the end thereof the following subsections:

"5. The rules of the committees shall be the rules of the subcommittees so far as applicable. Committees and subcommittees may adopt additional rules not inconsistent with the rules of the Senate.

"6. All hearings conducted by committee shall be open to the public, except executive sessions for marking up bills or for voting or where the committee by a majority vote orders an executive session.

"7. Unless otherwise provided, committee action shall be by vote of a majority of a quorum.

"8. An investigating subcommittee of any committee may be authorized only by a majority vote of the committee.

"9. No committee hearing shall be held unless specifically authorized by the committee.

"10. No committee hearing shall be held in any place outside of the District of Columbia unless authorized by a majority vote of the committee.

"11. No measure, finding, or recommendation shall be reported from any committee unless a majority of the committee were actually present.

"12. No testimony taken or material presented in an executive session shall be made public, either in whole or in part or by way of summary, unless authorized by a majority vote of the committee.

"13. No person shall be employed for or assigned to investigate activities until approved by the committee.

"14. Unless otherwise provided, subpenas to require the attendance of witnesses, the giving of testimony, and the production of books, papers, or other evidence shall be issued only by authority of the committee, shall be signed by the chairman or any member designated by the chairman, and may be served by any person designated by the committee, the chairman, or the signing member.

"15. No witness shall be compelled to give oral testimony for broadcast, or for direct reproduction by motion picture photography, recording, or otherwise in news and entertainment media if he objects.

"16. Oaths may be administered and hearings may be conducted and presided over by the chairman or any member designated by the chairman.

"17. Witnesses shall be permitted to be advised by counsel of their legal rights while giving testimony, and unless the presiding member otherwise directs, to be accompanied by counsel at the stand.

"18. Witnesses, counsel, and other persons present at committee hearings shall maintain proper order and decorum; counsel shall observe the standards of ethics and deportment generally required of attorneys at law. The chairman may punish breaches of this provision by censure or by exclusion from the committee's hearings, and the committee may punish by citation to the Senate as for contempt.

"19. Whenever the committee determines that evidence relating to a question under inquiry may tend to defame, degrade, or incriminate persons called as witnesses therein, the committee shall observe the following additional procedures, so far as may be practicable and necessary for the protection of such persons:

"(a) The subject of each hearing shall be clearly stated at the outset thereof, and evidence sought to be elicited shall be pertinent to the subject as so stated.

"(b) Preliminary staff inquiries may be directed by the chairman, but no major phase of the investigation shall be developed by calling witnesses until approved by the committee.

"(c) All testimony, whether compelled or volunteered, shall be given under oath.

"(d) Counsel for witnesses may be permitted, in the discretion of the presiding member and as justice may require, to be heard briefly on points of right and procedure, to examine their clients briefly for purposes of amplification and clarification, and to address pertinent questions by written interrogatory to other witnesses whose testimony pertains to their clients.

"(e) Testimony shall be heard in executive session, the witness willing, when necessary to shield the witness or other persons about whom he may testify.

"(f) The secrecy of executive sessions and of all matters and material not expressly released by the committee shall be rigorously enforced.

"(g) Witnesses shall be permitted brief explanations of affirmative or negative responses, and may submit concise, pertinent statements, orally or in writing, for inclusion in the record at the opening or close of their testimony.

"(h) An accurate verbatim transcript shall be made of all testimony, and no alterations of meaning shall be permitted therein.

"(i) Each witness may obtain transcript copies of his testimony given publicly by paying the cost thereof; copies of his testimony given in executive session shall be furnished the witness at cost if the testimony has been released or publicly disclosed, or if the chairman so orders.

"(j) No testimony given in executive session shall be publicly disclosed in part only, except when the committee decides that deletions from the transcript are required by considerations of national security.

"20. Whenever the committee determines that any testimony, statement, release, or other evidence or utterance relating to a question under inquiry may tend to defame, degrade, or incriminate persons who are not witnesses, the committee shall observe the following additional procedures, so far as may be practicable and necessary for the protection of such persons:

"(a) Persons so affected shall be afforded an opportunity to appear as witnesses, promptly and at the same place if possible, and under subpena if they so elect. Testimony relating to the adverse evidence or utterance shall be subject to applicable provisions of subsection 19 of this rule.

"(b) Each such person may, in lieu of appearing as a witness, submit a concise, pertinent sworn statement which shall be incorporated in the record of the hearing to which the adverse evidence or utterance relates.

"21. The chairman or a member shall when practicable consult with appropriate Federal law-enforcement agencies with respect to any phase of an investigation which may result in evidence exposing the commission of Federal crimes, and the results of such consultation shall be reported to the committee before witnesses are called to testify therein.

"22. Requests to subpena additional witnesses shall be received and considered by the chairman in any investigation in which witnesses have been subpenaed. Any such request received from a witness or other person entitled to the protections afforded by subsection 19 or 20 of this rule shall be considered and disposed of by the committee.

"23. Each committee conducting investigations shall make available to interested persons copies of the rules applicable therein."

Mr. BUSH. Mr. President, I apologize to the Senate that the reading has taken so long a time.

I should like to say that I discussed this matter with the Senator from Vermont [Mr. FLANDERS], when he offered his first resolution.

I went to the Senator from Vermont some 10 weeks ago, whenever it was, and told him that I did not like the resolution, and that if it was his intention to offer it, I intended to submit what has been read as an amendment in the nature of a substitute. I discussed the matter in a friendly fashion with him many times, since then it has been discussed between us.

I have proposed a code of fair investigating procedures as a substitute for the resolution of the junior Senator from Vermont [Mr. FLANDERS], because I feel very strongly that the Senate has a duty to set its own house in order before taking such a grave step as censuring one of its Members.

It is, I believe, a fact that all the various proposals to discipline, in one fashion or another, the junior Senator from Wisconsin [Mr. MCCARTHY] have arisen from his activities as chairman of the Permanent Subcommittee on Investigations in the 83d Congress, and more particularly from his controversy with the Army.

I ask the Senate to consider now how great a share of the responsibility it bears. As I said in introducing my code of fair procedures, Senate Resolution 253, on last May 24, the unfortunate situation which developed might have been avoided entirely. The likelihood of its occurrence would have been greatly reduced if the Senate, in the past, had adopted uniform rules of fair investigating procedures and if the Senate had insisted upon their observance.

The more I have thought about this matter—and I am frank to confess that I have thought about it almost constantly recently because it is a matter of grave importance—the more I am convinced that it is essential for the Senate to take an affirmative action before it considers taking a negative one. By that I mean that it would be a more lasting solution to the problem which confronts us if the Senate would take advantage of this opportunity to adopt immediately a code of fair procedures in its rules—a code which would establish committee responsibility beyond any question of doubt, which would establish the fact that committees and subcommittees are but agents of the Senate; and that the Senate has the overall responsibility which it cannot evade in connection with the activity of each committee.

I believe that it is possible for us to give an answer now to the most pressing

question raised by the McCarthy-Army controversy—namely, whether the Senate has responsibility for insisting upon fair investigating procedures by its committees.

For the sake of the honor and integrity of the Senate, I believe the answer must be a loud and clear affirmative.

For that reason, I am bringing the issue of fair procedures before the Senate at this time. The course of action I am suggesting offers the Senate an opportunity to take positive, constructive action which will display to the people of the United States our determination:

First, to accept responsibility for the actions of the committees and subcommittees which are the agents of the Senate and whose actions reflect credit or discredit upon us.

Second, to insist that the principle of majority rule and majority responsibility be followed in committees to the maximum extent practicable.

Third, to recognize the need to provide basic safeguards for the rights of individuals without in any way crippling the Senate's essential power to investigate.

The introduction of my amendment was the only practicable way in which the issue of fair procedures could be raised before we adjourn.

The proposed code, in my judgment, is a good and workable set of rules which will give needed protection to witnesses and others affected by Senate investigations and at the same time will not in any way hamper the Senate's power to investigate.

Parenthetically, I should like to emphasize at this point that I have always upheld vigorously the right of the Congress to investigate. I believe that the Congress should investigate. I disassociate myself, right now and completely, from those who believe that the power of Senate committees to investigate should be rigidly circumscribed or confined within unreasonable bounds. I am convinced that it is an essential part of the obligation of the Congress to investigate matters which may require legislation by the Congress.

That covers a wide field and certainly communism is one of the matters, and the field of government operations is another.

But I point out that investigations must be carried on with fairness and justice to all, and with good results, and without bringing the Senate into disrepute, and perhaps dishonor, in the minds and hearts of millions of Americans.

This can be done. I cite as an example the excellent work of the Subcommittee on Internal Security, both under the chairmanship of the able junior Senator from Indiana [Mr. JENNER] and his predecessor as chairman, the able Senator from Nevada [Mr. MCCARRAN]. I remind the Senate of the fact that this subcommittee has been praised for the fairness of its methods, not only by Republicans, but by others, including some generally regarded as "liberals," such as Dr. Harry Gideonse, the president of Brooklyn College, who made a very definite statement in that connnection. It has been an impressive fact that the findings of this subcommittee have had unanimous bipartisan support by its members.

As further evidence of my conviction that committee investigations are essential and can serve a useful purpose, I say today, as I did before the Subcommittee on Rules a few weeks ago, that when the Internal Security Subcommittee issued its report in 1953 on "Interlocking Subversion in Government Departments," I personally bought a thousand copies of the report, at my own expense. They were distributed to thought-leaders in the State of Connecticut. The chairman of my party in Connecticut also purchased a thousand copies which were widely distributed.

So, I emphasize, very strongly, that my feelings in this whole matter do not reflect any lack of interest, or any lack of faith in Senate investigations.

Indeed, I am a member of the Committee on Banking and Currency, which, under the able chairmanship of the distinguished senior Senator from Indiana [Mr. CAPEHART] is even now conducting an investigation, and has, for some weeks past, into the Federal Housing Administration.

This investigation already has uncovered some shocking scandals, which may well dwarf others of the past.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. BUSH. I should prefer not to yield until I have finished my remarks.

I am happy that the Banking and Currency Committee has adopted a code of fair procedures almost identical with that proposed by the distinguished chairman of the Republican Policy Committee [Mr. FERGUSON]. Even in the absence of that code, which was only recently adopted by resolution of the committee, the investigations had been conducted, in my judgment, by our able chairman with fairness and justice, and without valid criticism from the public or from witnesses or Members of the Senate of the United States.

I have digressed to make it clear that I wish to give no comfort to those who would seek to cripple the power of the Congress to investigate. If there is anything in my proposed code of fair procedures which would have that result I want it stricken out.

I have said that I believe that the proposed code is a sound set of rules establishing majority responsibility and giving to witnesses and others affected by investigations safeguards against abuse which they now lack.

However, this is a subject upon which reasonable men may differ. The subject is still under study by a subcommittee of the Committee on Rules and Administration, headed by the junior Senator from Indiana [Mr. JENNER]. It deserves thorough and careful study, for changing the Senate's rules is a serious matter, rarely undertaken.

Some may contend that it is unwise to attempt to adopt uniform rules for investigating committees until the Jenner subcommittee has completed its study and is ready to make its recommendations.

I respect that point of view, but it is my conviction that those who hold it are mistaken. I believe that we can take action now in this session to adopt rules on which there is substantial agreement on both sides of the aisle. The Jenner subcommittee, and the full Committee on Rules and Administration, can and should then continue work during the recess. Building upon the base we establish in this session, the Committee on Rules and Administration can recommend to the Senate at the opening of the 84th Congress those refinements and additions which it considers necessary to make a complete and all-embracing code of fair investigating procedures.

I believe that at a minimum we should establish in this session these essential principles:

First, the responibility of the majority of a committee for the work of the committee, and the necessity for majority rule to discharge that responsibility.

Second, the responsibility of committees to the Senate itself, and the Senate's responsibility to the public for the actions and conduct of its committees and subcommittees.

I hope that it will be possible to obtain common consent to go further in this session and establish some essential protections of the rights of witnesses and others who may be affected by the action of investigating committees. The code which I have proposed takes care of that.

My amendment contains provisions recognizing these principles. In connection with the question of committee responsibility and Senate responsibility, similar provisions, identical provisions in some respects, are contained in the rules proposed by the distinguished Senator from Michigan [Mr. FERGUSON], chairman of the Republican Policy Committee. His proposals have been introduced as Senate Resolution 287, and he has urged that action be taken upon them before we adjourn. He urged that before the Jenner Committee, and I heard him do so.

With one exception, the Ferguson rules establishing committee responsibility are, I believe, outside the area of possible controversy. That exception is the requirement that two members, one representing the majority and the other the minority, are the minimum number which may constitute a quorum for the purpose of hearing subpenaed witnesses or taking sworn testimony. I believe that a majority of a committee can be trusted to establish the minimum number of members necessary to constitute a quorum for such purposes, and that it should be so provided. A slight modification in the language proposed by the distinguished Chairman of the Majority Policy Committee will accomplish that result in the code.

Some may question whether it is possible to obtain agreement on a uniform code of investigating rules at the present time.

I say it can be done if the Senate has the will to do it, and if there is cooperation on both sides of the aisle.

This attempt to take affirmative, constructive action—and that is what the Senate ought to do about this whole issue; not negative action, but affirmative, constructive action—can succeed if individual Senators are willing to subordinate their own preferences for spe-

cific details in the code and join in a common effort.

I have previously advised the Senate that I take no pride of authorship in the code introduced as Senate Resolution 253, and which is now embodied in my amendment. It is a compilation of the best proposals I have been able to find. It includes the original recommendations of the majority policy committee and rules which were suggested by a subcommittee of the House Committee on Rules after a long and careful study. That House committee was headed by Representative HUGH SCOTT, of Pennsylvania. I believe my proposed code strikes a proper balance between preserving the Senate's essential power to investigate and the need for protecting the rights of individuals.

However, I am willing to support any code on which general agreement can be reached, and I urge other Senators who have introduced proposals of their own to do the same. In that way we can establish the principle in this session before we go home. In that way we can lay a firm base from which we can build at the opening of the 84th Congress after we have had the benefit of the recommendations of the Committee on Rules. In that way we can declare to the people of the United States that we believe in fair investigating procedures and will not tolerate methods which offend their sense of justice and fair play.

Mr. President, I yield the floor.

Mr. LEHMAN. Mr. President——

The VICE PRESIDENT. The Senator from New York.

Mr. JENNER. Mr. President——

The VICE PRESIDENT. Does the Senator from New York yield to the Senator from Indiana?

Mr. LEHMAN. Mr. President, at the request of the Senator from Indiana [Mr. JENNER], I shall be glad to yield to him for 5 minutes in order to give him an opportunity of commenting on the remarks of the Senator from Connecticut [Mr. BUSH], with the understanding that I do not lose my place on the floor.

The VICE PRESIDENT. Without objection, it is so ordered.

The Senator from Indiana may proceed.

Mr. JENNER. Mr. President, at this time, while the Subcommittee on Rules is engaged in a thorough and comprehensive survey of the work of all congressional committees with a view toward recommending rules and procedures, the amendment offered by the Senator from Connecticut [Mr. BUSH] as a proposed substitute for the resolution of the Senator from Vermont [Mr. FLANDERS], will have the effect of discharging the committee of which I am chairman from the consideration of the resolutions on rules of procedure which have been referred to it.

Senate Resolution 253, offered by the Senator from Connecticut [Mr. BUSH] is one of several measures being considered by the Subcommittee on Rules of the Committee on Rules and Administration, which subcommittee is holding hearings and taking testimony on the very issues of that resolution.

Mr. President, I hold in my hand the various resolutions which have been submitted on which the subcommittee is holding hearings.

To force the resolution of the Senator from Connecticut as a substitute for the resolution of the Senator from Vermont would be completely diversionary. It would not answer the problem. It is only somebody's idea of a way out of a bad mess. To force, prematurely and without due deliberation, the substitute resolution of the Senator from Connecticut to a vote would introduce a political note into a question that should be above politics, namely, the fairness and the effectiveness of our investigating committees.

Mr. President, I hold in my hand a copy of the rules of the Senate. They have been 160 years in the making. To attempt to write instanter rules of procedure for this great body, particularly at a time when emotions are stirred, by substituting the amendment of the Senator from Connecticut for the resolution of the Senator from Vermont seems to me to be most inadvisable. It is no way to write rules of procedure.

The Subcommittee on Rules has been holding hearings 2 days a week since the last week in June of this year on all the various proposals to amend the rules. We have heard the testimony of the chairmen of important committees of present and past Congresses in the hope of obtaining the benefit of their investigative experience.

We expect, for example, to hear the Senator from South Dakota [Mr. MUNDT], who acted as chairman of the Senate investigating committee during the Senator MCCARTHY-Secretary Stevens hearings, as well as his counsel, Mr. Ray Jenkins. That hearing has been set for August 10.

We have asked the Vice President of the United States, who has had experience in this line, to appear on August 11.

We have heard 16 Senators and 8 Members of the House.

We have also heard the testimony of a score of representatives of bar associations, civil liberties unions, church and civic groups.

The subcommittee is learning many important facts, discovering many legal pitfalls, and acquiring many helpful points of view. We are moving with a dispatch that we believe to be appropriate in the effort to compile a record, write a report, and make recommendations to the Senate; which is the orderly and proper procedure which should be followed.

When we consider the tremendous accomplishments of congressional committees, present and past, in unearthing corruption and inefficiency, and in exposing Communist agents, who never would have otherwise been exposed, it behooves every Senator to hesitate before he votes for a proposal which might destroy the effectiveness of all Senate and congressional committees.

I am not passing judgment on the resolution of the distinguished Senator from Connecticut [Mr. BUSH] because the subcommittee has not yet acquired all the facts. Maybe the resolution does not go far enough; maybe it goes too far.

The resolution of the Senator from Connecticut would make it impossible, for instance, for committees to continue the almost universal practice of allowing one member to take testimony—merely to take testimony. The resolution would prohibit that. Perhaps the Subcommittee on Rules will decide that this drastic step is necessary, after it hears all the testimony.

For example, the Senator from Nevada [Mr. MCCARRAN], the first chairman of, and the chairman with the longest experience on the internal security subcommittee, has testified under oath before the Subcommittee on Rules that the internal security subcommittee could never have functioned if the resolution of the Senator from Connecticut had been in effect. Many other experienced Senators have also expressed themselves in opposition to this restriction; as well as Members of the House.

I might say that the very Subcommittee on Rules which is considering these difficulties and problems would itself not be able to operate if the resolution of the Senator from Connecticut were in effect.

The distinguished chairman of the Republican policy committee, the Senator from Michigan [Mr. FERGUSON], I know, concurs with the Senator from Connecticut [Mr. BUSH]. The Senator from Connecticut says he has incorporated his ideas and the ideas of the majority policy committee in this resolution. The Senator from Michigan, who has had long experience, was asked to come before the committee, and the committee examined him.

Mr. President, let me inform the Senate that the distinguished Senator from Michigan in the investigation of communism held 102 1-man hearings.

We are never going to pass laws which will make men who are unfair become fair. On the other hand, we should not set up rigid rules which will "hamstring" and destroy congressional committees. Our committee is looking into this whole subject. Give the committee a chance. What is it desired to do: Discharge the committee and write a set of rules on the floor of the Senate in a moment of passion?

I might add that the very Subcommittee on Rules which is considering these difficult questions would itself not have been able to operate if the resolution of the Senator from Connecticut had been in effect, because in 415 of the hearings where testimony has been taken I have sat as a single member of the committee. I know that is the experience of every Member of this body.

The procedure now proposed may be all right when we are dealing with inefficiency and corruption in Government, but, with the experience I have had in dealing in committee with Communists, pinkos, egg heads, who have a Communist lawyer sitting by them, I can say that if they are given such a set of rules as proposed by the Senator from Connecticut they will destroy us.

Think what comfort such rules would have afforded to the hundreds of Communist agents who have been exposed by the Internal Security Subcommittee—all, I might add, with a very minimum of criticism.

I am drawing no conclusions, but I say again that those who would force this resolution to a vote before all the facts are in and before we who have been given this assignment are able to compile a record and present our findings, would indeed, if successful, bring about a situation that might prove of great benefit to rogues, embezzlers, drones, and Soviet agents who would destroy the very structure of our security.

Mr. BUSH. Mr. President, will the Senator yield?

Mr. JENNER. I yield.

Mr. BUSH. Mr. President, yesterday or the day before I talked with the distinguished Senator, the chairman of the Committee on Rules and Administration [Mr. JENNER] and told him what I proposed to do. I did that because I desired to be absolutely fair and did not desire to catch him unaware. I think the Senator realizes that was my sole purpose.

Mr. JENNER. The Senator from Connecticut will recall the Senator from Indiana said he would have to oppose the resolution.

Mr. BUSH. The Senator told me at that time he would have to oppose it on the floor. I understand that perfectly.

Mr. LEHMAN. Mr. President, may I interrupt?

The PRESIDING OFFICER. The Senator from New York has the floor. The Senator yielded to the Senator from Indiana [Mr. JENNER].

Mr. BUSH. Will the Senator kindly yield me 1 minute?

Mr. LEHMAN. I should be glad to yield the Senator as much time as he desires. I merely wish to make sure I do not lose my place on the floor.

The PRESIDING OFFICER. The Senator from New York yielded the floor with the understanding he would have a right to the floor at the conclusion of the discussion.

Mr. BUSH. Mr. President, I should like to make this point with my good friend from Indiana: I do not consider my amendment—and I told the Senator so 2 days ago—anything in the nature of a motion to discharge the Rules Committee.

Mr. JENNER. But it is, sir, in fact. That would be the result of it.

Mr. BUSH. I wish the distinguished Senator to know I do not consider it will do so, and I respectfully disagree with him on that point.

I feel more strongly than perhaps most other Senators do that the Rules Committee should proceed. As the Senator knows, I have attended many of the committee hearings. I am very much interested in this subject. My assistant attended almost every one of the hearings, because we are vitally interested in what the Senator's committee is doing; and I want that work to continue, and desire to have the Vice President appear before the committee.

Mr. President, my point is that it is so important for the Senate to take an affirmative action on this question before it that I see no danger whatever in taking a code of fair procedure and putting it into the Senate rules.

Mr. President, let me say further that in my speech I made it plain that I have no pride of authorship. I will take as a substitute anything within reason the Senator from Indiana will propose, realizing the Senator has not finished his labors and that he will have a right, and indeed a duty, to revise the resolution when the time comes.

I protest, Mr. President, that I am not lacking cooperation with the Rules Committee. I am not lacking respect for the Rules Committee. Indeed, I have the greatest respect for what that committee is doing, and I am very glad it is doing what it is doing. I hope the committee will continue its labors and will accomplish its work.

The Senator from Indiana mentioned in his remarks something I did not understand, and perhaps it is of no consequence. The Senator said something about striking a political note. I am not conscious of striking any political note in this particular matter. I do not know what the Senator means.

I wish to disavow, for myself, striking any political note in connection with this matter.

Mr. JENNER. I will say in answer to what the Senator from Connecticut has said, since we are using the time of the Senator from New York [Mr. LEHMAN] that in substance the resolution provides for taking away from the Rules Committee that which is its duty and responsibility and, sir, that which we are performing to the best of our ability as rapidly as we possibly can.

Two days a week I have sat in hearings on this important question. I do not think it is proper, in an emotional atmosphere, to use this method to discharge a committee from its responsibility and to write a set of rules which every one of us may regret, which may destroy the very functioning of this body itself.

What I am afraid of is by this attempt the firecrackers are going to be shot on the 3d of July. It would be better to wait until the 4th.

Mr. CAPEHART. Will the Senator yield?

Mr. BUSH. Mr. President, I simply desire to say, in closing, I disavow any intention of discharging the Rules Committee, and I hope that committee will continue its labors.

The PRESIDING OFFICER. Does the Senator from New York [Mr. LEHMAN] yield to the Senator from Indiana?

Mr. CAPEHART. I merely desire to make a statement.

Mr. LEHMAN. How much time does the Senator desire?

Mr. CAPEHART. Only a couple of minutes.

Mr. LEHMAN. I shall be glad to yield to the Senator from Indiana.

The PRESIDING OFFICER. The Senator from New York yields to the Senator from Indiana.

Mr. CAPEHART. Mr. President, with respect to this whole controversy, and particularly with respect to the resolution of the Senator from Connecticut, that I have been holding hearings for several months on FHA scandals, and I wish to give the benefit of my experience. I think it ought to be very helpful. My observation has been that I conduct a very fair and honest hearing in the minds of all the witnesses who come before me, except those who we know in advance, or who we discover as a result of their testimony, are guilty of questionable actions and practices. To such witnesses it is a very unfair and a terrible committee. For example, the committee had before it a gentleman by the name of Powell, who has hidden behind the fifth amendment a couple of times. He thinks I am so unfair as chairman that he has already filed in this body a petition, not to have me thrown out as chairman of the committee, but thrown out of the Senate of the United States. He thinks I am a very, very unfair chairman and that I have been very unfair to him. He has hidden twice behind the fifth amendment. He has already filed the petition which I mentioned to throw the senior Senator from Indiana out of the United States Senate, and the matter is now before the Rules Committee.

In another instance a lawyer, representing a witness who hid behind the fifth amendment, was very abusive of the chairman and the members of the committee. In fact, he gave us a tongue lashing. Yet the witness hid behind the fifth amendment. He made a statement to the press that we were very unfair. He said it is a terrible committee and that the chairman is unfair.

I have learned that a committee is thought to be all right so long as certain persons do not get hurt, and that a person considers the committee as all right unless he himself is hurt because of actions he took before he appeared before the committee. But if he is guilty, if he has something to hide, or is a Communist, or has been doing something on which he thinks he ought to have the protection of the fifth amendment, then he considers the chairman to be very, very unfair.

Another observation I should like to make—and I say this somewhat in criticism of the United States Senate—is that if rules such as are being proposed should be adopted, Senators would be condemning themselves. I hear Senators state on the floor, and I read in the press continually, that one-man committees are terrible things. As chairman of a committee, let me say in the most charitable way I can, that any time there is a committee, it is because other members of the committee have not shown up. In many instances, the reason for that is that those members are attending other committee meetings. They do not have time, and they simply cannot be present.

I do not think it behooves any of us to talk about one-man committees, because any time there is a one-man committee it is because the other members of the committee are not present. With respect to a full committee, the reason there is a 1-man committee is that 14 members have not appeared. If it happens to be a 5-man subcommittee, it is a 1-man committee because 4 members have not been able to attend the committee meeting. There cannot possibly be one-man committees unless the other members do not attend the committee meetings.

In adopting rules such as are proposed, Senators will only be condemning

themselves if they prohibit one-man committees.

The committee of which I am chairman has been holding hearings on FHA scandals for several months. For about 80 percent of that time I have been the only member present. It is not because I wanted it that way. I have desired other members to be present, but they are busy on other work, and they cannot be there. I understand that. I sit in the committee and take the testimony and swear in the witnesses. I conduct a good, honest investigation in the mind of every witness except the one who has something to hide from the committee, the country, and the United States Senate, and that witness will think I am very unfair.

Is the Senate going to adopt rules and regulations that will protect persons who ought to be exposed? That is what my colleagues will do if they are not careful. Is the Senate going to adopt rules and regulations that will handicap committees, one-man committees, if you please, or committees on which only one Senator is sitting in trying to get out of witnesses the truth and the facts.

Are Senators going to permit witnesses to tell them what they are going to do, and what they are not going to do? If such rules are adopted, the honest witness, meaning the man with nothing to hide, will be very cooperative; and the one who does have something to hide and does not want the facts secured, will use every means at his disposal to browbeat the committee, as I have had happen to me several times in the past several months. A petition has been filed in the United States Senate to have me thrown out of the Senate. Several witnesses have been hiding behind the fifth amendment. I am very unpopular. Pressure has been put on me from many directions not to call a particular witness, or to go easy on him, or do this or the other thing.

I wish to make one other statement, and then I shall yield the floor. The person who has something to cover up and does not want to make known the facts is the one who is in favor of the proposal now before us, the so-called Bush resolution, and all other similar proposals. He is the person who wants rules and regulations put in effect that will permit him to avoid telling the committee or the chairman the truth and the facts. That is exactly what he wants to happen.

In my opinion, this is an attack on the Congress of the United States. It is an attack on the right of Congress to investigate. We had better stop, look, think, listen, and be very careful what action is taken in regard to the McCarthy matter, the Flanders matter, and all other such matters, because it is an attack on the right of the Congress of the United States to investigate.

I also wish to say that, sitting on an investigation such as I have for the last several months, it is very easy to make mistakes. It is very easy to lose one's temper.

I ask any of my colleagues what he would have done with that attorney from New Jersey. By the way, we shall have him back; and before we are through, all Members of the Senate will understand why that attorney told me to shut my mouth, and then proceeded to make a speech, as the amendment to the resolution would permit him to do—to make an oral statement and abuse the committee and abuse the chairman. I say to the Senate—and I will prove it before we are through—that the man for whom the attorney acted is guilty, and he has a great deal to cover up; and we will prove it before we are through.

That is what a chairman and a committee are up against. I am amazed and surprised that Senators would take their time and the time of the Senate and the time of the United States, at a period such as the one through which we are passing at the moment, to seek to censure or criticize the committees. This matter is one for each individual committee to handle.

I say in all charity to the members of the so-called McCarthy committee, that if the junior Senator from Wisconsin [Mr. McCARTHY] is not performing properly—is conducting so-called one-man committees or is doing any other things that the other members of the committee think he should not be doing—they should take a good look in the mirror, because theirs is the responsibility, for there are 13 members of that committee; and at any time they wish they can, by majority vote, adopt any rules they desire to have as a committee. They know they have the right to do that. Similarly, if in the Banking and Currency Committee, of which I am chairman, there is anything wrong in the conduct of our investigations, it is the responsibility of the 15 members of that committee to handle that matter.

So, Mr. President, if there is anything wrong in the conduct of the so-called McCarthy committee, it is the responsibility of each of the 13 members of that committee to straighten it out. It is not the responsibility of the Senate as a whole, in my personal opinion.

We should caution Senators who at the moment are not serving as chairmen of committees, and who have not participated in a real investigation into possible fraud or into situations which may lead to the sending of certain persons to prison. Such Senators do not know what investigating committees in such situations are faced with. Senators who have not had that experience do not realize the amount of pressure that is brought to bear upon the chairman and the other members of such a committee. As a result of the FHA investigating committee, I receive anonymous letters, threatening me; and I receive threatening telephone calls, both at my office and at my apartment. Why? They come from persons who are guilty and who do not wish the truth to come out. Any Member of the Senate who sits, day in and day out, as chairman of a committee investigating something really serious, has or will have the experience of having before the committee witnesses who will do everything within their power to keep the committee from obtaining the facts and the correct information. Such witnesses will abuse the chairman of the committee and the other members. Such witnesses will do everything they can to keep the committee from obtaining the truth. It is not easy for the chairman of such a committee to hold his temper. Under such circumstances, it is all too easy for the chairman to do something wrong or to say something wrong.

The other day, when the attorney gave me that tongue lashing—and the distinguished junior Senator from Maine [Mr. PAYNE], who is now presiding over the Senate, was present at that time, and he can tell other Senators what happened then—it would have been very easy for me to have said to that witness some things that possibly I would have regretted later. If I had had that witness in a backyard, somewhere in Indiana, possibly I would have thrashed him physically; at least, I would have when I was a little younger. [Laughter.]

But under such circumstances it is very easy for one who is serving as chairman of such a committee to say something wrong or to do something wrong.

Mr. President, we should proceed with the business of the United States Senate, and each of our committees should accept its own responsibility. We who serve on the Banking and Currency Committee have, at the suggestion of the able Senator from Connecticut [Mr. BUSH], the able Senator from New York [Mr. LEHMAN], and other Senators, gotten together and adopted a set of rules and regulations under which our committee can operate, and under which we can obtain information and facts, and can protect and defend ourselves against unscrupulous witnesses. We have adopted good rules and regulations. They are fine, and that action was taken by all the members of the committee. That is the job of each of the committees, Mr. President. It is not the job of the Senate. Certainly the adoption of such rules and regulations is not a matter to be handled on the floor of the Senate.

So, Mr. President, let us vote on this entire matter; and let us table this resolution. Let the Committee on Rules and Administration then proceed with its hearing; and then let all chairmen and all committees take their responsibilities more seriously, and adopt their own rules and regulations. Let us be fair and honest with every witness, of course; but let us not tie our own hands, to the point where we cannot handle an unscrupulous witness.

Mr. MALONE. Mr. President, will the Senator from New York yield for one question?

Mr. LEHMAN. Yes, provided I may do so with the understanding that I shall not thereby lose the floor.

The PRESIDING OFFICER. Without objection it is so ordered.

Mr. MALONE. Mr. President, I wish to ask the Senator from Indiana whether he knows on how many committees, on the average, each Member of the Senate serves. I refer to both committees and subcommittees.

Mr. CAPEHART. Let me say, Mr. President, that there was one time, I remember, when I was a member of 15 subcommittees. That was during the 80th Congress. So it is simply impossible for Senators to sit all day long in one committee. Senators simply cannot do it. It would be impossible to operate the

Senate except on the basis of having only one Senator present in a subcommittee from time to time. Otherwise it would be impossible to handle the business of the Senate. No one knows that better than I do.

I am not criticizing Senators for their inability to attend committee meetings, for a Senator simply cannot be in two places at the same time.

I am saying it is the responsibility of each committee; each committee should make its own rules and regulations. Each committee should settle its own problems. Each committee, and likewise the entire Senate, should keep in mind that there is never any trouble with honest witnesses. The trouble comes from witnesses who wish to cover up something. From my experience as a committee chairman, I can see such trouble coming, because, let me point out—and of course this is well known by all Senators—the committees hold executive hearings with the witnesses, before they are put on the stand in public or open hearings. So the committees know what the testimony of the witnesses will be at the open hearings, and before the open hearings are held, the committees know what the witnesses have done or have failed to do. We know, in advance of the public hearings, whether a particular witness is guilty of doing this or of doing that. The same pattern runs through all committee proceedings. In the case of a witness who is guilty of wrong doing, the committee knows it before the public hearing is held, because the committee has held an executive session, with the witness under oath. As a result, the committee knows that it will be embarrassing to that witness to have the facts displayed in public. In such circumstances, when the public hearing is held, invariably the guilty witness comes to the hearing with his lawyer, and at the very beginning starts to abuse the chairman or the other members of the committee, an attempts to cover up and to do things that will divert attention from the facts that he knows the committee will bring out, because the witness knows the committee has the truth.

So, Mr. President, let us table this entire matter, and let us proceed with the business of the United States Senate; and then let each committee work out its own rules and regulations. That is my suggestion.

Mr. MALONE. Mr. President, if the Senator from New York will further yield, let me repeat what I have previously said, namely, that neither the Senator from Wisconsin [Mr. McCARTHY], the Senator from Indiana [Mr. CAPEHART], nor the Senator from New Hampshire [Mr. BRIDGES], nor any other Senator is on trial in this matter. The investigative power of the Senate is what is on trial.

Mr. CAPEHART. Yes, Mr. President; I said that only a moment ago.

Mr. KNOWLAND. Mr. President, if the Senator from New York will yield to me, with the understanding that he will not thereby lose his right to the floor——

Mr. LEHMAN. With that understanding, I shall be very glad to yield to the Senator from Californina.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KNOWLAND. Mr. President, I have previously announced that because of the importance and the unprecedented nature of, and the peculiar circumstances surrounding the censure resolution which is before this body, and which has not had committee action, I feel it is most important that every Senator be in a position to listen to the entire debate. For that reason, I have asked the committee not to meet until this matter is finally disposed of.

I had previously announced that, in order that Senators would not have to be off the floor at lunch time—as is the customary practice of the Senate—I would move that the Senate take a recess at about 12:30 p. m. until 2 p. m. this afternoon. In that way, Senators will be able to have lunch during the period of the recess, and then will be able to return to the Chamber at 2 o'clock.

Thereafter we expect the session to continue from 2 o'clock until approximately 7 o'clock this evening, at which time we expect to take a recess until Monday next.

I have had a conversation with the Senator from New York, and he tells me that because of the fact that it is now very close to 12:30, it will be agreeable to him—and, in fact, he would prefer it, provided he will have the floor when the Senate reassembles at 2 o'clock—to begin his speech at 2 o'clock, rather than to begin now, and have an interruption occur in the middle of his remarks.

With that understanding, Mr. President, and in conformity with the agreement with the Senator from New York, I am about to make such a motion.

Mr. WELKER. Mr. President, will the Senator from New York yield to me at this time?

Mr. KNOWLAND. Yes, Mr. President; I shall postpone making the motion for the recess, until the Senator from Idaho is able to ask a question, if that is what he wishes to do.

Mr. WELKER. Mr. President, will the Senator from New York yield to me at this time, with the understanding that he will not thereby lose his right to the floor?

Mr. LEHMAN. Yes, Mr. President; with that understanding, I yield.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELKER. With respect to Senate Resolution 253, I must confess that I have not read it or studied it although I have looked at subsection 12 of section 4, on page 3, reading as follows:

> 12. No testimony taken or material presented in an executive session shall be made public, either in whole or in part or by way of summary, unless authorized by a majority vote of the committee.

Mr. President, I have the honor of serving with the Senator from Indiana [Mr. JENNER] on the internal security subcommittee of the Judiciary Committee. At the commencement of every executive session, every witness, every counsel, every staff member, and every member of the committee is admonished that none of the testimony is to be released until authority is given by the committee.

Mr. President, we can well imagine the embarrassment that a fifth amendment Communist could give the committee, should he make public such testimony—release it and give it to the world—and thus be in a position to say that the investigating committee had violated this proposed rule, and, therefore, the Senator conducting the investigation should be thrown out of the Senate. Such a rule would be a very dangerous one, because I have seen certain witnesses do that sort of thing time and time again, in connection with hearings held by our committee. Such witnesses like to embarrass the committees.

I say that subsection 12 is absolutely the most vicious provision in this proposal, because the tort feasor, or Communist, or thief, will wish to demolish a committee, no matter how honorable the committee may be. Such a person will see that testimony taken in executive session is "leaked" to persons who will be in a position to cause embarrassment to the committee. In that event, who will be blamed? Not the Communist or the thief, but the committee.

I thank the Senator very much for yielding to me.

RECESS TO 2 P. M.

Mr. KNOWLAND. Mr. President, pursuant to the previous understanding that the Senator from New York will not lose his right to the floor when we reassemble, I now move that the Senate stand in recess until 2 o'clock this afternoon.

The motion was agreed to; and (at 12 o'clock and 21 minutes p. m.) the Senate took a recess until 2 o'clock p. m. on the same day.

On the expiration of the recess, the Senate reassembled, and was called to order by the Presiding Officer [Mr. PAYNE in the chair].

THE JUNIOR SENATOR FROM WISCONSIN

The Senate resumed the consideration of the resolution of censure (S. Res. 301) submitted by Mr. FLANDERS relative to the junior Senator from Wisconsin [Mr. McCARTHY].

Mr. KNOWLAND. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Aiken	Daniel	Holland
Anderson	Dirksen	Humphrey
Barrett	Douglas	Ives
Beall	Duff	Jackson
Bennett	Dworshak	Jenner
Bricker	Ervin	Johnson, Colo.
Bridges	Ferguson	Johnson, Tex.
Burke	Flanders	Johnston, S. C.
Bush	Frear	Kennedy
Butler	Fulbrght	Kerr
Byrd	George	Kilgore
Capehart	Gillette	Knowland
Carlson	Goldwater	Kuchel
Case	Gore	Langer
Chavez	Green	Lehman
Clements	Hayden	Long
Cooper	Hendrickson	Magnuson
Cordon	Hennings	Malone
Crippa	Hill	Mansfield

McCarran	Potter	Stennis
McCarthy	Purtell	Symington
Millikin	Robertson	Thye
Monroney	Russell	Upton
Morse	Saltonstall	Watkins
Mundt	Schoeppel	Welker
Murray	Smathers	Wiley
Neely	Smith, Maine	Williams
Pastore	Smith, N. J.	Young
Payne	Sparkman	

Mr. SALTONSTALL. I announce that the senior Senator from Nebraska [Mrs. BOWRING] and the junior Senator from Nebraska [Mr. REYNOLDS] are necessarily absent.

The Senator from Iowa [Mr. HICKENLOOPER] and the Senator from Pennsylvania [Mr. MARTIN] are absent by leave of the Senate.

The PRESIDING OFFICER. A quorum is present.

Mr. KNOWLAND. Mr. President, I ask unanimous consent that the yeas and nays be ordered on the question of agreeing to the resolution of the Senator from Vermont [Mr. FLANDERS], so that all Members will know there will be a yea-and-nay vote on that question.

The yeas and nays were ordered.

Mr. LEHMAN. Mr. President, today is a day when those who would stand up for decency, liberty, and integrity may do so. Today is a day when the opportunity is given us to raise, by our own act, the prestige of the Senate, and to help repair, to some extent, the grave damage which has been done to America's standing in the minds and hearts of men here and abroad.

The resolution submitted by the junior Senator from Vermont is a symbol. It has little actual force, but it has much meaning. That meaning will shine through whatever device may be chosen, or may be sought to be chosen, to avoid a decision on the resolution, itself.

On numerous occasions in the past, the two Houses of Congress have voted to censure individual Members. Those resolutions of censure have been based, for the most part, on single acts. Here we have a resolution of censure based on whole categories of acts, on almost numberless outrages against the sense of decency which is part of the highest tradition of this great body, the Senate of the United States.

Mr. President, I shall not attempt at this time to enumerate all the acts which in my opinion justify this resolution of censure. A listing of them would occupy the Senate for days. Hundreds of articles have been written about them. Special issues of magazines have been devoted to them. Books have been written about them. The bibliography of books, articles, and scholarly studies listing and analyzing the amazing charges, allegations, and innuendoes which have marked the course of Senator MCCARTHY during the past 5 years is more exhaustive than that on any other subject of current interest.

At different times, two subcommittees of the Senate have devoted themselves to a study of various aspects of Senator MCCARTHY'S activities. The conclusions reached and the observations made by those two subcommittees justify, in themselves, action, in my opinion, far more severe than a resolution of censure.

Here is a man who has attacked, condemned, and denounced as traffickers with treason, men who have occupied the highest offices in our land, whose names adorn the brightest pages of our history—Franklin Delano Roosevelt, Harry S. Truman, Gen. George C. Marshall, and Dean Acheson. He has smeared some of the most eminent public servants in our recent history — Ambassador Charles Bohlen, Ambassador Philip Jessup, High Commissioner James Conant, and Ambassador Averell Harriman, among many others.

Mr. President, he has attacked and abused such men as General Zwicker and President Nathan Pusey, of Harvard.

He has attacked and smeared Members of this Senate.

He has made wholesale and unconscionable attacks upon the press, charging publications such as Time magazine, Commonweal, the Saturday Evening Post, the New York Post, and the Milwaukee Journal with following the Communist line.

He has sought to smear such outstanding journalists as the Alsop brothers, Edward R. Murrow, James Wechsler, and Drew Pearson with the imputation of being Communist sympathizers.

He has given comfort to one of the most shocking attacks in recent history on the loyalty of the American clergy, that of Mr. J. B. Matthews, by undertaking to hire Mr. Matthews as an employee of a Senate committee.

Mr. President, he has used his position as a Member of the Senate, and as chairman of one of our committees, to ride roughshod over the Government service, over two administrations of different political complexion, and, finally, over the Senate itself.

Mr. President, shall we sit idly by and divest ourselves of any responsibility for these actions and others without number?

Shall we make pious protests in private, while maintaining silence in public?

Mr. President, shall we content ourselves by saying that, while we disapprove of the methods of the junior Senator from Wisconsin, it is up to the voters of Wisconsin, or to the Republican Party, or to President Eisenhower, to discipline this reckless colleague of ours? No. Under the Constitution, it is our individual responsibility as Senators. It is no one else's.

Why do we hesitate to take such action as is merited? Will a majority of us stand up and say, either privately or publicly, that they see no fault meriting censure of the junior Senator from Wisconsin? Where is that majority? Where is there more than a handful who will say that?

Only a year and a half ago the junior Senator from Wisconsin, sought to oppose confirmation of the nomination of Ambassador Charles Bohlen in the Senate, by charging that he had information, and that the FBI had information, to the effect that Ambassador Bohlen was a security risk.

Charles Bohlen had spent 24 years in the service of the State Department of his Government. He had entered the Foreign Service while Herbert Hoover was President of the United States. His reward for a quarter century of dedicated service was to be charged with being a security risk, after having held some of the most critical posts in the United States Government.

The late Senator Taft, who died a year ago today, and who at the time occupied the chair of majority leader, was delegated by the Senate to inspect the FBI files on Charles Bohlen. Senator Taft reported back:

> There was no suggestion anywhere by anyone reflecting on the loyalty of Mr. Bohlen in any way, or any association by him with communism or support of communism or even tolerance of communism.

Was not that incident, which provided one of the first crises of the Eisenhower administration, of itself sufficient to merit this resolution of censure?

Why do we hesitate, then, when this incident has been multiplied by a hundred, and a hundred more, before and since? Do we fear the political repercussions of a vote to censure the junior Senator from Wisconsin?

Is that the real answer to the timidity, the apprehensions, and the doubts which have characterized the position of so many of us in regard to the Flanders resolution? I am telling no secrets when I say that this fear is, indeed, a compelling force.

Mr. President, this is a measure of the danger represented by our colleague from Wisconsin, because the junior Senator from Wisconsin has spread fear, intimidation, suspicion, and reprisal throughout the length and breadth of this great and beloved land of ours.

Let us face this danger. Let us put aside this fear. Whatever the political repercussions, history will honor us for a vote of censure; and, in my judgment, so will our constituents.

Let us vote overwhelmingly, without regard to partisan considerations—for this is not a partisan question—to approve the resolution of the Senator from Vermont.

I yield the floor.

Mr. FULBRIGHT. First, Mr. President, I wish to make 1 or 2 observations with regard to the remarks made last night by the distinguished junior Senator from Illinois [Mr. DIRKSEN]. The Senator from Illinois is a very powerful speaker and makes an extremely interesting address. I invite attention to his opening remarks, as found on page 12737 of the RECORD, in which he said:

> Mr. President, if I were to select a text tonight I think I should dip into the Old Testament and find it in the Book of Exodus. It comes to mind because in the Republican Convention of 1952 in Chicago a very eminent rabbi was asked to deliver the invocation on one of the convention days, and in that eloquent invocation he used an expression from the Old Testament which said:
>
> "Thou shalt not follow a multitude to do evil."

Mr. President, I regret very much that the Senator from Illinois stopped with that quotation. It would have been extremely appropriate, I believe, if the Senator had read all of that particular passage. I might even recommend the reading of the preceding 2 or 3 paragraphs from chapter 23 of the Book of Exodus, which I shall read. Beginning

in the paragraph preceding the one read by the Senator from Illinois, I read:

Thou shalt not raise a false report: Put not thine hand with the wicked to be an unrighteous witness.

It seems to me that that passage is peculiarly appropriate to the particular subject matter which is under consideration before the Senate today.

Then comes this quotation:

Thou shalt not follow a multitude to do evil; neither shalt thou speak in a cause to decline after many to wrest judgment:

Neither shalt thou countenance a poor man in his cause.

If thou meet thine enemy's ox or his ass going astray, thou shalt surely bring it back to him again.

If thou see the ass of him that hateth thee lying under his burden, and wouldest forebear to help him, thou shalt surely help with him.

Thou shalt not wrest the judgment of thy poor in his cause.

Keep thee far from a false matter; and the innocent and righteous slay thou not: for I will not justify the wicked.

Mr. President, I am quite willing to take that passage as the text of the entire subject to be considered by the Senate; and if the Senate will apply that standard to what I believe to be the unquestionable evidence in this case, I have no doubt as to what its judgment will be in connection with the pending resolution.

Another characteristic of the address of the junior Senator from Illinois, it seems to me—a characteristic which is borne out throughout some 2 or 3 years, or longer, of the activities of the subject of the pending resolution—is the refusal to address the remarks in any respect to the merits of the matter under consideration, but to confine them to an attack upon the person who has made observations concerning the matter. I had a personal experience of that kind many years ago in the so-called Jessup hearings, when I raised a question about the validity of an exhibit which had been offered to the committee, which proved to be completely false. Instead of arguing about the exhibit I was attacked as being a Communist, or at least as being pro-Communist, or soft toward communism—one of those many phrases which are applied to anyone when disagreement arises.

I noticed that was the same approach last night. There was very little said on behalf of the subject of the resolution; the remarks were directed to a personal attack upon the honorable Senator from Vermont [Mr. FLANDERS]. The remarks seemed to me to be quite irrelevant to the question under consideration. If a resolution were pending about the Senator from Vermont, they might be relevant.

I pass to the other speeches, which concerned me much more than did the speech of the Senator from Illinois.

I refer to the speeches of the two Senators from Oregon. Both of them are eminent and very careful lawyers, as we well know. I was amazed that neither of them had taken the trouble to check the precedent on this question. Reference was made to the precedent, which I consider to be the precedent on this matter, which was made on November 4, 1929. The senior Senator from Oregon [Mr. CORDON] referred to the fact that two Senators, who are Members of the Senate today, and who are on the floor today, the Senator from Georgia [Mr. GEORGE] and the Senator from Arizona [Mr. HAYDEN], were Members of the Senate at the time, and that both of them voted in favor of a resolution of censure at that time.

I distinctly gained the impression from the remarks of the distinguished senior Senator from Oregon that that resolution had been, in his opinion, referred to a committee and had been considered by a committee. That is not the fact.

The fact is that a resolution, designated Senate Resolution 20, was submitted to investigate lobbying. It was submitted on April 20, 1929. It is a coincidence that that resolution was submitted by the distinguished predecessor of myself, Senator Caraway. As I say, it was submitted on April 20, 1929. It was a special resolution, to investigate the activities of lobbying associations and lobbyists in and around Washington, D. C.

I shall read it to the Senate, so that there will be no misunderstanding about it. It has nothing whatever to do with a resolution of censure.

The resolution of censure was not submitted until November 1, 1929, several months later. The resolution submitted by Senator Caraway on April 20, 1929, reads as follows:

Whereas it is charged that the lobbyists located in and around Washington filch from the American public more money under a false claim that they can influence legislation than the legislative branch of the Government costs the taxpayers; and

Whereas the lobbyists seek by all means to capitalize for themselves every interest and every sentiment of the American public which can be made to yield an unclean dollar for their greedy pockets: Now, therefore, be it

Resolved, That a special committee to be appointed by the President of the Senate consisting of three members is hereby authorized. Said committee is empowered and instructed to inquire into the activities of these lobbying associations and lobbyists to ascertain of what their activities consist; how much and from what source they obtained their revenues; how much of these moneys they expend and for what purpose and in what manner; what effort they put forth to effect legislation. Said committee shall have the power to subpena witnesses, administer oaths, send for books and papers, to employ a stenographer, and do those things necessary to make the investigation thorough.

That was the resolution. There was no idea of censuring any Member of the Senate. It was directed at lobbyists. The resolution certainly was not directed at Mr. Eyanson.

The committee was appointed, and in pursuance of it, on September 30 there was issued Senate Report No. 43, 71st Congress, 1st session, and ordered to be printed.

Mr. Caraway, from the subcommittee of the Committee on the Judiciary, submitted the following report, pursuant to Senate Resolution 20.

That is the resolution which I have just read.

I shall not read all of the report, but I ask unanimous consent that at this point the entire report, which consists of only 4½ pages, be inserted in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

Your committee, named by the chairman of the Committee on the Judiciary, pursuant to Senate Resolution 20, having had under consideration the matter of the association of one Charles L. Eyanson, assistant to the president of the Manufacturers Association of Connecticut, Inc., with Hon. Hiram Bingham, a Senator from that State, during the consideration by the Finance Committee of the Senate and the majority members thereof of the pending tariff bill (H. R. 2667) and having completed that phase of its work, beg leave to report as follows:

The Manufacturers Association of Connecticut, Inc., is an organization in the nature of a trade association, the purpose of which is to promote the general interests of its members in their business, manufacturing establishments of the State of Connecticut, including the New York, New Haven & Hartford Railroad Co. Its business at Hartford, Conn., is under the immediate supervision and direction of the said Charles L. Eyanston under the president thereof, E. Kent Hubbard. Eyanston is paid a salary of $10,000 per annum by the association. He came to Washington while the tariff bill referred to was under consideration by the Committee on Ways and Means of the House of Representatives in the early part of the present year, and aided members of the association in preparing arguments and data for submission by them to the committee referred to.

On February 25, 1929, Senator Bingham wrote to Mr. Hubbard, saying, among other things:

"I am wondering whether there is anyone whom you could loan me as an expert adviser on tariff problems, particularly those in which Connecticut is interested."

In explanation of the letter Senator Bingham told the committee that the people of the State generally were vitally interested in tariff questions and that he was unfamiliar with the problems presented by legislation of that character, having devoted much of his time while in the Senate theretofore to other subjects. A copy of the letter of Senator Bingham, referred to, is hereto attached, marked "Exhibit A," and made a part of this report.

Mr. Hubbard replied in a sympathetic way, his letter being likewise attached, marked "Exhibit B."

A copy of the letter from Senator Bingham was sent to each member of the association and the views of the members solicited. The replies were generally favorable, the treasurer suggesting that the board of directors be authorized "to utilize an amount not to exceed $5,000 to be expended in connection with tariff work in Washington." A limitation of the amount to be expended was suggested in a number of the replies. By arrangement between Hubbard and Senator Bingham, entered into at the office of J. Henry Roraback, chairman of the Republican State committee of the State of Connecticut, Eyanston was deputed as aid to Senator Bingham pursuant to his request, the board of directors of the association adopting a resolution, as follows:

"That the vote received by letter authorizing aid to Senator Bingham in protecting interests of Connecticut manufacturers be confirmed.

"It was further reported that the staff of the association had been engaged in a comprehensive analysis in columnar form of the Underwood and Fordney-McCumber tariffs; request presented before the Ways and Means Committee of the House and the schedules proposed in the House bill (H. R. 2667), now before the House of Representa-

tives for action, and furthermore that a representative would shortly be in Washington to assist Senator Bingham personally in his office."

Eyanson came to Washington to take the position, in effect as a clerk in the office of Senator Bingham, in which he had a desk where he received callers who came to consult with him or Senator Bingham or both. He assembled material for the use of Senator Bingham in connection with the hearings before the Senate Committee on Finance and attended the hearings, occupying a seat from which he could communicate at any time with Senator Bingham and aided him with suggestions while the hearings were in progress. After the hearings were completed the majority members went into secret session for the purpose of considering the bill. At that time, at the direction of Senator Bingham Eyanson was sworn in as clerk of the Committee on Territories and Insular Possessions, of which Senator Bingham was then and is now the chairman, displacing one Henry M. Barry, who was told by Senator Bingham that his salary would nevertheless continue. This course was pursued, the committee was told by Senator Bingham, that Eyanson might be "subject to the discipline of the Senate," the significance of the phrase being left unexplained.

After Eyanson had thus been introduced into the secret meetings of the majority members and had sat with them for some 2 or 3 days, Senator Smoot, chairman of the committee, inquired of Senator Bingham whether he, Eyanson, was an officer or employee of the Manufacturers Association of Connecticut, and being advised that he was, Senator Bingham was told by Senator Smoot that objection had been made to Eyanson's presence in the committee and intimated it would be better if he did no longer attend. Senator Bingham then inquired as to the attitude of other members of the committee and from the views thus elicited reached the conclusion that Eyanson ought not longer to attend the meeting and he did not. Eyanson drew his salary as clerk of the Committee on Territories and Insular Possessions. At the end of his first month's services as such he turned the amount so received over in cash to Senator Bingham. The remainder of his salary while he continued on the rolls he drew and turned over to Mr. Barry, the whole amounting to $357.50.

One of the subordinates of Mr. Eyanson, pursuant to the practice of his office, on the 30th day of August 1929, prepared on a blank provided for that purpose a memorandum, as follows:

"THE MANUFACTURERS ASSOCIATION OF CONNECTICUT (INC.),
"August 30, 1929.

"Memorandum:
To Mr. Eyanson.
From Mr. Wuichet.
Subject: Information for Senator Bingham.

"In telephone conversations with Mr. Henderson, of the Crescent Fire Arms Co., and Mr. Warner, of the Davis & Warner Arms Co., both of Norwich, in reply to an inquiry originating with Mr. Henderson, I informed these gentlemen that Senator Bingham met with very strong opposition to the 10-percent duty on rough-bored shotgun barrels from the Savage Arms Co., et al., and three influential members of the Senate Finance Committee, Senators Smoot, chairman, Reed, and Edge; and that Senator Bingham considered it a decisive victory to have held the duty where it now stands in the House bill at 10 percent in face of a very strong effort to raise it to 30 percent."

It is obvious from the memorandum that Wuichet, who was in Hartford, Conn., at the time the memorandum was written, had information concerning some of the proceedings in the secret meetings of the majority members of the Finance Committe; but he informed your committee that he had no recollection of the source of his information, and while he denied that it came from Eyanson he admitted that he could assign no other source from which it could come. This witness told the committee that he is a dollar a year man of the Department of Commerce. He holds the position of foreign trade secretary of the manufacturers association of Connecticut, a position which requires him to ascertain and assemble information of value to the members of the association for the promotion of their foreign trade and to convey the same to them as an officer or employee of the Department of Commerce. Having taken as usual the official oath he gathers information in and about Hartford, as requested by the Department of Commerce, or that may be of service to it in its work, and secures information from the Department of value to manufacturers in that section. In this connection your committee calls attention to the following provision of the act of 1917 (39 Stat., pt. 1, p. 1106):

"That on and after July 1, 1919, no Government official or employee shall receive any salary in connection with his services as such an official or employee from any source other than the Government of the United States, except as may be contributed out of the treasury of any State, county, or municipality, and no person, association, or corporation shall make any contribution to, or in any way supplement the salary of, any Government official or employee for the services performed by him for the Government of the United States. Any person violating any of the terms of this proviso shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than $1,000 or imprisonment for not less than 6 months, or by both such fine and imprisonment as the court may determine."

It appeared from evidence before the committee that, in respect to 52 of the leading industries of the State of Connecticut, the pending tariff bill recommends raises in the duties on 44. With respect to 7 it remains unchanged, and in one instance it provides for a decrease.

After the departure of Eyanson from Washington on the completion of his work here with Senator Bingham, the latter transmitted to him a check for $1,000, which has never been cashed, the recipient having determined tentatively on its receipt to return it personally rather than by letter to Senator Bingham, but now remains undecided as to what disposition he should make of the check.

Senator Bingham was, at the time Eyanson came to his office, paying all the clerks sums in addition to their official salaries and would be obliged, he felt, to employ 1 or 2 additional stenographers. He hoped, when asking the assistance of the Manufacturers Association, to get a high-grade man, whose salary the Senator felt he could not pay in view of the fact that he was paying additional salary to four clerks.

As heretofore stated, the New York, New Haven & Hartford Railroad Co. is a member of the Manufacturers Association of Connecticut. A reply to one of the circular letters sent out by President Hubbard, heretofore referred to, addressed to E. G. Buckland, vice president, came signed "E. G. Buckland, chairman," which was as follows:

"Answering your letter of March 5; I am strongly of the opinion that the association should leave nothing undone to assist Senator Bingham in the presentation of briefs giving the facts and arguments in favor of tariff rates such as the industries of Connecticut believe should be adopted in the new tariff bill. The fact that one of our Senators is willing to undertake this work, not only justifies but practically demands that the association should support him to the limit."

The New York, New Haven & Hartford is one of the largest contributors to the revenues of the Manufacturers' Association of Connecticut, amounting to $100,000 annually, the contribution of the railroad company on the basis of the number of men in its service being approximately $4,000 annually. The committee questions the propriety of the utilization of the funds of a railroad company for the payment of the services of a lobbyist in Washington. Whether such contributions are forbidden by any statute may be the subject of further communication from your committee. Meanwhile the committee recommends the adoption of a resolution by the Senate calling upon the Secretary of Commerce to furnish to the Senate a list of all officials employed by the department in the regular service of private individuals or corporations drawing a salary of $1 a year or any other sum from the Government.

EXHIBIT A

UNITED STATES SENATE,
February 25, 1929.

Hon. E. KENT HUBBARD,
President Manufacturers' Association of Connecticut, Hartford, Conn.

MY DEAR MR. HUBBARD: As you know, many matters of great importance to the manufacturers of Connecticut and our citizens generally will come up during the extra session, particularly while the tariff is being discussed in committee and on the floor of the Senate.

I am wondering whether there is anyone whom you could loan me as an expert adviser on tariff problems, particularly those in which Connecticut is interested.

It seems to me that it would be advantageous if I could have some one on whom I could rely for summaries and briefs, giving the facts and arguments in favor of such rates as the people of Connecticut believe should be adopted in the general interest.

There is no one in my office who is familiar with this general field.

Our hearings will probably begin about May 1 or 10. During the hearings many questions will arise on which I should like to have expert advice. Then when the committee begins considering the bill in executive session I ought to have a well-prepared brief on every schedule in which Connecticut is interested. Could you help me out?

Sincerely yours,

HIRAM BINGHAM.

EXHIBIT B

FEBRUARY 28, 1929.

Hon. HIRAM BINGHAM,
United States Senate,
Washington, D. C.

MY DEAR SENATOR BINGHAM: I was most gratified to receive your letter of February 25 in regard to the tariff.

Connecticut industry has been apprehensive ever since the announcement of Senator McLean's retirement, but with the knowledge which comes through your letter that you are planning to study the matter in your usual thorough manner, that apprehension is relieved.

Tariff and transportation are two of the most vital subjects to Connecticut manufacturers, and you may rest assured that we will arrange to provide for all the facilities for information which you may need during the hearings before the Senate Finance Committee and during the executive sessions. The person or persons whom we shall select will be representative of Connecticut industry, and will be thoroughly competent on tariff matters.

Again let me express my appreciation for your cooperation. I shall arrange to confer with you personally or, if that isn't possible, through a representative well before the date of hearings.

Very truly yours,

E. KENT HUBBARD, *President.*

Mr. FULBRIGHT. I shall read the part of the report which I think is significant. However, I want to make this observation, namely, that this report makes no recommendation whatever about censure. It makes no reference to censure in any respect. It was submitted before any censure motion was introduced. What it did was simply find the fact and state what had happened. That is all. It did not condemn, and it did not question its propriety, or anything like that.

I may say for the benefit of the Senate that Mr. Eyanson was the lobbyist who was involved. He had been brought into an executive meeting of the majority members of the committee. Mr. Eyanson was not brought into the executive meeting of the whole committee, but was brought into the executive meeting of only the Republican members, who were in the majority.

I read from the report:

> After Eyanson had thus been introduced into the secret meetings of the majority members and had sat with them for some 2 or 3 days, Senator Smoot, chairman of the committee, inquired of Senator Bingham whether he,, Eyanson, was an officer or employee of the Manufacturers Association of Connecticut, and being advised that he was, Senator Bingham was told by Senator Smoot that objection had been made to Eyanson's presence in the committee and intimated it would be better if he did not longer attend. Senator Bingham then inquired as to the attitude of other members of the committee, and from the views thus elicited reached the conclusion that Eyanson ought not longer to attend the meetings and he did not. Eyanson drew his salary as clerk of the Committee on Territories and Insular Possessions. At the end of his first month's service as such he turned the amount so received over in cash to Senator Bingham. The remainder of his salary while he continued on the rolls he drew and turned over to Mr. Barry, the whole amounting to $357.50.

The report contains a letter written by Senator Bingham to the Manufacturers' Association, asking for assistance, and so forth.

Mr. KNOWLAND. Mr. President, will the Senator yield for a question at that point?

Mr. FULBRIGHT. Certainly.

Mr. KNOWLAND. Does not the Senator think that that is a very pertinent fact he has brought out, namely, that there was a specific act which it was alleged Senator Bingham had participated in, namely, the bringing of Mr. Eyanson into the executive meeting of the majority members of the committee? That was a specific act. Senator Bingham had an opportunity to go before the committee and to make his explanation on the specific charge and on the specific act.

Mr. FULBRIGHT. Go before whom?

Mr. KNOWLAND. Senator Bingham had an opportunity to go before the committee and to make his explanation as to how it came about that he had Mr. Eyanson attending the meeting. That is not the situation in the case of the resolution which is before the Senate today.

In other words, so far as the Senate was concerned, the specific act was the bringing of Mr. Eyanson into the executive meeting of the majority members of the committee. The committee had an opportunity to take testimony from Senator Bingham as to what the facts were regarding that specific act.

Mr. FULBRIGHT. There is no question that these facts are very simple. This is the report of the committee. I am forced to anticipate my statement slightly, I should say. I intend to offer an amendment to the pending resolution which I believe will bring it absolutely and completely within the precedent set by the Bingham case. I do so because of the very eloquent appeal of the two Senators from Oregon that we follow orderly procedure.

Mr. CORDON. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I shall be glad to do so in a moment.

In view of all the facts, I certainly do not think the Senate now is less concerned about its honor, integrity, and dignity than was the Senate in 1929. Later I shall read the remarks of the Senator from Georgia [Mr. GEORGE] on that very point. If the Senate as at present constituted lives up to the high standards set by the Senate in 1929, I shall certainly be satisfied.

What I intend to do, by an amendment, is to bring this case exactly into line with this precedent, and to follow what I consider to be orderly procedure, as represented by the latest precedent of the Senate. I know of no better authority.

I now yield to the Senator from Oregon.

Mr. CORDON. With the permission of the Senator from Arkansas, the Senator from Oregon will say that if the pending resolution is amended so as to state specific allegations, which allegations are admitted as true, so that this body can pass judgment upon undisputed facts, the Senator from Oregon will be prepared to consider the resolution on the floor and act on it.

Mr. FULBRIGHT. I doubt very seriously that I could possibly satisfy the Senator's ideas with respect to allegations being undisputed and admitted. I do not consider that the allegations in the case cited were undisputed and admitted by Senator Bingham, in the precedent I have cited.

On the floor of the Senate Senator Bingham contended most vigorously that there was nothing wrong with his actions. He did not admit that he had done wrong at all. He protested up to the last minute. My colleagues will find in the debate on the question, while it is not stated in so many words, the clear implication is that if the Senator had said on the floor, "I am sorry. I think I did wrong," the charges would have been dropped. But he persisted up to the last minute in the attitude that he was right and that there was nothing wrong with what he had done. Therefore, the Senate went ahead and adopted the resolution of censure.

Moreover, if at that time the Senate was willing to accept the finding of the committee as to the facts, I see no reason why the Senate today should not be willing to accept the finding of one of its committees as to what is, to my way of thinking, a very pertinent fact relative to the Senator from Wisconsin [Mr. MCCARTHY], which finding I shall read to the Senator. If one were disposed to do so, I suppose he could perhaps question the good judgment or the thoroughness of this committee, because the committee which reported in this case is a different committee from the one which reported in 1929.

Mr. CORDON. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield to the Senator from Oregon.

Mr. CORDON. Is it not a fact that in the Bingham case, Senator Bingham admitted that the individual was employed by the Connecticut Manufacturers Association and disputed only the conclusion as to whether his acts were correct and subject to censure?

Mr. FULBRIGHT. I should say "subject to censure," because no one really seriously thought he was personally corrupt in the sense that he was feathering his own nest. No one alleged and no one believed that he had gained any money from the transaction. He thought he was doing his duty to his State. That makes all the more praiseworthy, in my opinion, the action of the Senate in protecting the integrity of the Senate as a body. I think it is that very spirit that accounts for the survival of this body as the one remaining upper legislative body in the world which has power and influence.

In all the various experiments that have been made in parliamentary government or self-government, this is the only upper legislative body which still has power. I think that is true because of the very spirit evinced by the Senate in 1929 when it voted a resolution of censure. The Senate did not want its honor to be sullied by the action of an individual Senator, even though no personal corruption was involved.

Mr. CORDON. Mr. President, will the Senator further yield?

Mr. FULBRIGHT. Let me make a further point. The Senator is making it necessary for me to anticipate my amendment, but it is appropriate to raise the question at this point. I intend, for example, to offer this specification, among others. It is a specification which, in my opinion, is precisely in point with the specification set out by the precedent. The Senator will find this specification in the committee report which the Senator from Missouri [Mr. HENNINGS], the Senator from Arizona [Mr. HAYDEN], and the Senator from New Jersey [Mr. HENDRICKSON] signed in 1952. I think my suggested amendment would bring the case completely within the rule and the precedent which I have mentioned.

Mr. CORDON. Mr. President, will the Senator yield for an observation?

Mr. FULBRIGHT. The censure is for this reason:

> 1. The junior Senator from Wisconsin, while a member of the committee having jurisdiction over the affairs of the Lustron Co., a corporation financed by Government money, received $10,000 without rendering services of comparable value.

That is an example which I believe to be on all-fours with the case in 1929. A Senate committee had spent many months considering this question, among

many others. I shall read the four pages of the report which set out the documentary evidence to support the charge, such as photostats of checks and other documents. I do not know whether the Senator has seen that report or not.

Mr. FERGUSON. Mr. President, will the Senator yield?

Mr. FULBRIGHT. Just a moment.

I suggest that a finding of fact of a subcommittee of the Senate with as much dignity as the subcommittee which reported in the Eyanson case is just as persuasive and complete with respect to that particular fact as is the act which Senator Bingham was found to have done. That committee made no recommendation of censure. Neither did the so-called Hennings-Hayden-Hendrickson committee, which I mentioned. They set out the facts and, instead of making recommendations, they asked questions. The committee had asked the Senator to come before it on numerous occasions. We can discuss that subject if the Senator desires to do so. However, I think we are all familiar with the record. Every Senator has had an opportunity to read it.

Mr. FERGUSON. Mr. President, will the Senator yield?

Mr. FULBRIGHT. In a moment I will.

The Senator from Oregon [Mr. CORDON] made a great point about the right of the Senator from Wisconsin to his "day in court." If the junior Senator from Wisconsin refuses to have a day in court after many and continuous urgings, I do not know what can be done about it. The committee cannot force him to come before it. Perhaps his attendance could have been forced. At any rate, the committee did not wish to force him to attend.

The Senator from Oregon [Mr. CORDON] made a strong plea for orderly procedure. We have just had a fine example proving that it is almost impossible to have an orderly procedure. I should say that the procedure before the subcommittee which heard the Army-McCarthy controversy was very disorderly. That was certainly contrary to the desire of most of the members, but in my opinion there was no way to preserve order. I observed the hearings. I do not know how many other Members of the Senate observed them.

Mr. FERGUSON and Mr. CORDON addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Arkansas yield; and if so, to whom?

Mr. FULBRIGHT. I yield first to the Senator from Michigan, who was on his feet before the Senator from Oregon.

Mr. FERGUSON. What is the number of the report in reference to the Lustron case, and when was it filed with the Senate?

Mr. FULBRIGHT. This is a report of the Subcommittee on Privileges and Elections, of the Committee on Rules and Administration. It is entitled "Investigations on Senators JOSEPH R. MCCARTHY and William Benton, pursuant to Senate Resolution 187 and Senate Resolution 304."

The Senator is familiar with it, is he not?

Mr. FERGUSON. When was it filed with the Senate?

Mr. FULBRIGHT. I do not know that it was filed with the Senate. It was filed with the committee.

Mr. FERGUSON. Did the committee adopt the report?

Mr. FULBRIGHT. The subcommittee did. Report No. 43 of the Subcommittee on the Judiciary. That is the basis for the others.

Mr. FERGUSON. Mr. President, will the Senator yield for a question?

Mr. FULBRIGHT. I yield.

Mr. FERGUSON. A report was filed in the Senate on the resolution of Senator Caraway, was it not?

Mr. FULBRIGHT. That is my understanding. Senate reports, volume C, No. 43. It may be that in the book there are a number of other reports on lobbying. This is only one of a number of reports on lobbying. This is only one, which pertains to Mr. Eyanson.

I have no doubt that one can find a difference in personnel. This report is very familiar to most of us, however.

As I have said, the chairman of the subcommittee was THOMAS C. HENNINGS, Jr., of Missouri, and the other members of the committee were CARL HAYDEN, of Arizona, and ROBERT HENDRICKSON, of New Jersey.

Mr. HENDRICKSON. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield to the Senator from New Jersey, who was a member of that committee. He may recall the details on that point.

Mr. HENDRICKSON. I shall try to clear the matter from memory. My recollection is that when the report was finished, the Senate was not in session, and it was transmitted to the Secretary of the Senate.

Mr. FULBRIGHT. I submit, Mr. President, that in any case I see no materiality to the point, if I may so suggest to the Senator from Michigan. It seems to me to make no difference.

Mr. FERGUSON. Mr. President, the Senator wants to have the facts.

Mr. HENNINGS. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield to the distinguished Senator from Missouri, who was chairman of the subcommittee.

Mr. HENNINGS. Am I to understand that the Senator from Arkansas is not in the least disturbed by the question put to him by the distinguished Senator from Michigan [Mr. FERGUSON], who seems to suggest by his inquiry that because the report was not filed in the Senate—if it was not, we may be assured that it was filed with the Committee on Rules and Administration—the Senator has not taken judicial notice of the report, and would like to suggest that perhaps the report does not exist?

Mr. FULBRIGHT. I tried to say to the Senator from Michigan that I see no materiality. It makes no difference whatsoever.

Mr. HENNINGS. The Senator from Arkansas is, of course, aware of the fact that every Member of the Senate received a copy of the report, is he not?

Mr. FULBRIGHT. That is my understanding.

Mr. HENNINGS. The Senator also is aware, is he not, that the report did go to the Committee on Rules and Administration, where it has languished, although perhaps it has not as yet died? So far as I know, the report still is in the files of the Committee on Rules and Administration, whether or not it was filed with the Secretary of the Senate, although I presume it was.

I wondered if the Senator from Arkansas thought there was any tincture of validity to the point suggested by our distinguished friend from Michigan, that because the report actually did not come before the Senate as a report for consideration, the report was in any wise lacking in substance or in effect.

Mr. FULBRIGHT. I may say to the Senator that it is not by any means. The report is far more thorough and far more extensive than the report on which the 1929 censure was based, which, as I pointed out a moment ago, is a short report. There was a very simple set of facts.

The report on the one point with regard to Lustron is set out on four pages, and is documented. It relates to the question whether or not it was proper, under the circumstances, for the junior Senator from Wisconsin [Mr. MCCARTHY] to receive $10,000 from the Lustron Corp., and it discusses the facts, which I shall reserve until I offer the amendment. I only bring up the question now to try to enlighten the Senator from Oregon [Mr. CORDON] as to what I understand happened in 1929, because it was a rather unusual procedure. There have been only two of them in this century. There is no better source for us to follow, no better precedent, than what was done in 1929. I do not think any Member of the Senate would criticize what was done in the Senate in that year. On the contrary, I think we should be very proud that two of the present Members of the Senate voted in that matter. The RECORD speaks for itself. I do not wish to embarrass either of the Senators by asking them questions. I am certain the Senator from Georgia [Mr. GEORGE] will not mind if I read his remarks to the Senate, because they are extremely appropriate. It seems to me that they fit this case precisely.

I do not know of any Member of this body for whom we all have greater respect than we have for the Senator from Georgia. I think it is very appropriate to refer to his remarks in this instance.

Mr. CORDON. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I am glad to yield.

Mr. CORDON. I am most appreciative of the Senator's final courtesy. I shall not further transgress upon the time of the Senator from Arkansas, except to suggest that the Senator is now discussing what may be before the Senate, not what is before the Senate.

The Senator, by the suggestions he is making, is adding proof, if proof needs to be added, to the suggestions made last evening that somewhere in the course of this matter there should be some certainty and some facts alleged which the Senate can consider.

As to the remainder of the Senator's random shooting, I shall be happy to discuss it, so far as it goes to last evening's discussion, when the Senator finishes.

Mr. FULBRIGHT. I had assumed that Members of the Senate who read the newspapers and at least occasionally see television knew about some of the matters to which the Senator from Vermont [Mr. FLANDERS] was referring. If they have refused to do that, or have failed to do it—I know they are very busy, especially the members of the Committee on Appropriations—I do not wish to offer criticism. But if the Senator from Oregon [Mr. CORDON] does not know anything about what happened in the activities of the investigating subcommittee or in the recent hearings, we will try to enlighten him.

As to the action of the Senate itself with regard to the censure brought up on November 4, 1929, I think it is very interesting. Before I get into it, there are a few statistics which seem to me to be of interest, especially to both parties.

The vote on the final passage was 54 to 22. The Republican Party, I may say, split precisely—22 for and 22 against. I think it is very interesting to recall some of the names. Many Senators will remember more of the names than I will. But I recognize a number of them.

For example, the distinguished Senator from Idaho, Mr. Borah, voted "yea." Senator Couzens, of Michigan, voted "yea." Senator Cutting, of New Mexico, voted "yea." Senator Glenn and Senator Goldsborough each voted "yea."

I shall read all the names.

Allen, Blaine, Borah, Brookhart, Capper, Couzens, Cutting, Frazier, Glenn, Goldsborough, Jones, LaFollette, McNary—Senator McNary was one whom we all knew, one of the most distinguished Republicans ever to sit in the Senate, I think, in this century—Norbeck, Norris, Nye, Pine, Robinson of Indiana, Schall, Steiwer, Thomas of Idaho—both Senators from Idaho voted "yea"—and Vandenberg, of Michigan, for whom we all had the greatest respect, and whom most of us knew personally.

They were the 22 Republicans who voted "yea."

There were 22 Republicans who voted "nay." I do not know many of them personally. I know a few of them. There are some very well known names, such as Smoot, of Utah. He offered one of the amendments, a substitute for the bill, which I shall discuss.

In that case there were two substitutes offered, quite similar to the substitute which has been offered to the Senate in this case. Their purpose was completely to emasculate the meaning of censure, and to nullify it as being of any significance, or to avoid a direct vote. Both amendments were rejected.

Smoot offered one amendment, and Edge, of New Jersey, offered the other. That is rather a coincidence, similar to the one I mentioned about Caraway, of Arkansas, who had been chairman of the committee which looked into the matter. I am not, of course, referring to myself, but to the senior Senator from Arkansas [Mr. MCCLELLAN].

I shall read the names of the Republican Senators who voted "nay":

Dale, Edge, Fess, Gillette, Goff, Gould, Greene, Hale, Hastings, Hatfield, Herbert, Johnson, Keyes, Metcalf, Moses, Oddie, Phipps, Reed, Shortridge, Smoot, Townsend, and Walcott.

Certainly, with 22 Republicans voting on each side of the question, it was not a partisan matter. I think the integrity of the Senate is not a party matter. Both parties desire to preserve the integrity of the Senate.

It is not something on which one party should take one side and the other party should oppose. It is a question far above such considerations. It is a question which goes to the preservation of an essential and most important part of our Government.

Mr. President, I shall try to go through this history quickly, but I think it is worth while to point out a few of the highlights.

On November 4, 1929, there were 32 Democrats who voted, and I now put into the RECORD the names of the Democrats who voted for the resolution:

Ashurst, Barkley, Black, Bratton, Brock, Broussard, Caraway, Connally, Copeland, Dill, Fletcher, George, Harris, Harrison, Hayden, Heflin, Kendrick, McKellar, Pittman, Ransdell, Sheppard, Simmons, Smith, Steck, Stephens, Swanson, Thomas of Oklahoma, Trammell, Tydings, Walsh of Massachusetts, Walsh of Montana, and Wheeler.

There were 7 Democrats and 10 Republicans not voting, as well as Senator Shipstead, Farmer-Labor Party member. That is the complete record of the voting.

Mr. BENNETT. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from Arkansas yield to the Senator from Utah?

Mr. FULBRIGHT. I yield for a question.

Mr. BENNETT. Did any Democrats vote against it?

Mr. FULBRIGHT. No. I said that there was a split among the Republicans of 22 to 22.

Mr. BENNETT. So in view of that fact the illusion that the voting was not along partisan lines disappears, does it not?

Mr. FULBRIGHT. The Republicans did not regard it as a partisan question. They split. I am glad that the Democrats were so solicitous of the honor of the Senate. They recognized the importance of this body as a part of our system of government.

Mr. BENNETT. The Senator does not think the Democrats sought to bring disrepute on the part of one of their colleagues, does he?

Mr. FULBRIGHT. I leave it to the Senator. I think there is no better statement on the subject than that made by the Senator from Georgia [Mr. GEORGE], which I am about to read. The Senator from Georgia is certainly one of the leading Democrats, if not the leading one. The passage is extremely short, and I hope the Senator from Utah will listen to it. I am sure he will not question the motives of the Senator from Georgia.

The Senator from Georgia had this to say, as appears on page 5126 of the RECORD for November 4, 1929:

> Mr. GEORGE. Mr. President, I regard it as most regrettable that this resolution and debate involve personalities at all. I regard it as most regrettable that the personal element is injected on either one side or the other of this matter.
>
> Personally I took occasion some days ago to say that I had the very warmest personal admiration for the Senator from Connecticut, and I do not believe that he has intended any moral wrong or breach of what he considers to be the right course of conduct to be pursued by Senators.

I think the following is the most important passage:

> The view that I take of the question, Mr. President, is simply this: That the official act of each one of us has a public quality, and that act is either in the interest of the public good or it is contrary to the interest of the public. It either promotes confidence in the processes of government or it tends to weaken public confidence in the processes of government; and before I vote upon this resolution I wish to make it entirely clear that my vote is not controlled by any personal consideration whatever and that my vote does not express any opinion, much less condemnation, upon the personal morality or the intent or purpose of the Senator from Connecticut. I have already declared myself upon that matter.

I think that is the point involved. I disagree thoroughly with what the Senator from Illinois [Mr. DIRKSEN] stated last night when he said that this is a personal matter, and that because the Senator's resolution dropped the reference to the chairman of the committee, that made it personal. The resolution in the Bingham case was not based upon the action of Bingham as chairman; it was based on his action as a Senator. He was not chairman of the Finance Committee; he was merely a member. I see nothing whatever to that point, and the Senator from Georgia made it very clear that he was considering the actions of a Senator. He was not worried about his personal motives; he was concerned about the effect of the Senator's actions on the public good—in a word, I think, its effect upon the Senate. If the Senator takes money from a corporation which consists largely, or almost entirely, of Lustron's capital, and the matter in question is under the jurisdiction of his committee, we are not complaining about the $10,000 or about the Senator personally. What we are complaining about is the effect upon the public and the citizens who support the Government, and their respect for an institution, the Senate of the United States. If Members of the Senate go about shaking down corporations dependent on governmental operations and organizations—or, as in this instance, a borrower from the RFC—that is important. No one cares what happened to the money in the pocket of the individual. Personal corruption on the part of Bingham was denied. But when there is involved the defense of a man, a lobbyist—and people came to know that; it was known outside the committee—that fact casts a reflection upon the integrity of the whole processes of legislation. It makes

the people suspect the honesty and integrity of the very processes of writing legislation. That is what the Senator from Georgia meant when he said what I read.

Mr. JENNER. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield to the Senator from Indiana for a question.

Mr. JENNER. I was not present on the floor when the Senator made his statement; but, as I understand, the Senator contemplates filing a new petition of censure, with a bill of particulars. Although I was not on the floor, I understand the Senator stated that the $10,000 referred to as having been received from the Lustron Corp. was sufficient ground for that action. Am I correct?

Mr. FULBRIGHT. I dislike to bore the Senate by repeating what I just said. The Senator is not correct. At the end of my remarks I intend to offer perfecting amendments to the resolution of censure, in an effort to meet the complaints or suggestions made last evening by the two Senators from Oregon. I personally feel that in this case we are quite justified in taking judicial notice of a great many factors, many of which involve occurrences on the floor of the Senate.

Mr. JENNER. Mr. President, will the Senator further yield?

Mr. FULBRIGHT. I shall also offer an amendment relative to a statement made on the floor of the Senate. When a Member of the Senate makes a statement on the floor of the Senate, and it is published in the CONGRESSIONAL RECORD, if we cannot take judicial notice of it, I do not know how the Senate can act on anything. Must the Senate appoint a committee to examine into statements made on the floor of the Senate before we can pass judgment on whether or not such statements are becoming to a Senator, and whether they represent proper conduct on the part of a person who is worthy of being a Member of this body?

Mr. JENNER. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield for a question.

Mr. JENNER. May I ask the Senator whether that allegation arose as a result of the Benton-McCarthy hearings?

Mr. FULBRIGHT. It is in the report. As I mentioned a moment ago, a report was filed by the subcommittee, headed by the Senator from Missouri [Mr. HENNINGS], the Senator from Arizona [Mr. HAYDEN], and the Senator from New Jersey [Mr. HENDRICKSON] joined in it.

Mr. JENNER. Mr. President, I should like permission to correct the RECORD, if the Senator will yield. The report was never filed with the Committee on Rules and Administration. The report was one made by the subcommittee, and was handled by it entirely. The matter was never reported to the full Committee on Rules and Administration.

If the Senator from Arkansas will be kind enough to yield, I think we can clarify some misunderstandings.

Mr. FULBRIGHT. Mr. President, I do not wish to yield the floor.

Mr. JENNER. I do not wish the Senator from Arkansas to yield the floor, but inasmuch as the discussion is proceeding along this line, I think it would be helpful for me to bring out certain facts.

Mr. FULBRIGHT. If I correctly understood the Senator from New Jersey [Mr. HENDRICKSON] and the Senator from Missouri [Mr. HENNINGS], two members of the subcommittee—I sometimes wonder whether we use words any more which mean the same thing—have said that report was filed with the full committee.

Mr. JENNER. I am chairman of the committee and I have never received the report. I do not know where it is, if it has been filed. The report has not been filed with the Senate committee; it has not been filed with me; it has not been filed with the Senate. I think the Senate should have the facts.

Mr. FULBRIGHT. My impression is that it was filed with the committee before the Senator from Indiana became chairman of the committee. I believe that is correct.

Mr. JENNER. Will the Senator yield so that I may clarify this matter?

Mr. FULBRIGHT. Perhaps the Senator from Indiana has refused to admit the existence of the report; I do not know.

Mr. JENNER. No; but I should like to explain this matter. I think it is only proper that I do so.

I do not wish the Senator from Arkansas to lose the floor. I think it will take me only 3 or 4 minutes.

Mr. FULBRIGHT. Mr. President, I ask unanimous consent that I may yield to the Senator from Indiana for 4 minutes and no longer, to permit him to clarify this situation, but with the understanding that at the conclusion of the 4 minutes I shall continue to have the floor.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. JENNER. I shall have to cut my presentation down somewhat in order to finish within that time. I hope the time used in making that statement will not be charged to the 4 minutes allowed me.

Senate Resolution 187 was submitted August 6, 1951, by Senator Benton, of Connecticut, calling for an investigation to determine whether expulsion proceedings should be instituted against the junior Senator from Wisconsin [Mr. MCCARTHY].

Senate Resolution 304 was submitted April 10, 1952, by the junior Senator from Wisconsin [Mr. MCCARTHY] calling for an investigation of Senator Benton.

On July 3, 1952, the junior Senator from Wisconsin testified before the Subcommittee on Privileges and Elections, of the Committee on Rules and Administration, in support of Senate Resolution 304, which pertained to charges made against the junior Senator from Wisconsin by Senator Benton.

A review of the printed hearings before the subcommittee, in regard to Senate Resolution 187, does not reveal that the junior Senator from Wisconsin testified as to charges made by Senator Benton.

The committee print of the hearings is marked "Part I," which would indicate there is a part 2 of such hearings. However, apparently there is no part 2 of the printed hearings; but there is a transcript of the testimony of the junior Senator from Wisconsin relative to Senate Resolution 304, and Senator Benton's answer to the charges made by the junior Senator from Wisconsin. For some reason, this testimony was not printed, although the hearing was held July 3, 1952, which was almost 4 months before the November 2, 1952, election.

Why was part 2 not printed? Why did it not accompany the official report? A review of the committee print report concerning the investigation of Senators MCCARTHY and Benton, pursuant to Senate Resolution 187 and Senate Resolution 304, does not reveal that the junior Senator from Wisconsin testified in answer to Senator Benton's charges contained in Senate Resolution 187, but does mention that the junior Senator from Wisconsin appeared and testified at public hearings and amplified the charges set forth in Senate Resolution 304.

However, the report which we are now talking about does not give any of the text of the testimony of the junior Senator from Wisconsin against Senator Benton, notwithstanding the fact that the transcript of the testimony of the junior Senator from Wisconsin concerning Senator Benton runs from page 3 to page 213.

This report is entitled "Investigations of Senators JOSEPH R. MCCARTHY and William Benton, Pursuant to Senate Resolution 187 and Senate Resolution 304. Report of the Subcommittee on Privileges and Elections, to the Committee on Rules and Administration."

That is a quotation from the report.

The total quantity printed of the confidential committee print of the Subcommittee on Privileges and Elections to the Senate Committee on Rules and Administration, concerning Senators MCCARTHY and Benton, was 2,480 copies. One thousand copies were ordered by requisition signed by the Secretary of the Senate, Leslie F. Biffle, Requisition No. 3422, Jacket No. 236027. One thousand four hundred and eighty copies were printed pursuant to the Joint Committee on Printing requisition signed by James L. Harrison, providing for the full statutory $700 limit. Requisition No. 13, erroneously dated January 2, 1952, should have been dated January 2, 1953. The order was placed on December 23, 1952, and was delivered on January 2, 1953, to the room of the Subcommittee on Privileges and Elections.

When the Committee on Rules and Administration was organized on January 16, 1953, with myself as chairman, only 3 copies of the report were to be found in the committee rooms, out of the original 2,480. No distribution record could be found, although it is believed that each Senator received one copy.

The VICE PRESIDENT. The time of the Senator from Indiana has expired.

Mr. JENNER. Will the Senator from Arkansas permit me to finish? I shall need only another minute or two, and then we shall have the complete record.

Mr. FULBRIGHT. I am unable to see the relevancy so far of what the Senator has said.

Mr. JENNER. I wish to state the basic facts concerning this report.

Mr. FULBRIGHT. I call attention to the fact that the chairman of the Committee on Rules and Administration who signed this report was the Senator from Arizona [Mr. HAYDEN]. It is inconceivable to me he could make a report and sign it as chairman and not receive it.

Mr. JENNER. Will the Senator from Arkansas yield one more minute to me for this purpose?

Mr. FULBRIGHT. Very well; I will yield for another minute, but I do not see the relevancy, if the Senator from Indiana is criticizing the former committee.

Mr. JENNER. The report does not show that it was ever submitted to the full committee or the Subcommittee on Privileges and Elections, or that any action was ever taken on it by the full committee.

The Democrats held a majority in the Committee on Rules and Administration until January 7, 1953. Up to that time, opportunity existed for action on the report, while the committee was under Democratic control.

According to hearsay, the full committee did not discuss the report at any of its meetings. The report reveals that a thorough investigation of the junior Senator from Wisconsin was conducted. Even a mail cover was placed on him and several others. I have an attached memorandum of what this mail cover did. That is an incredible procedure, a mail cover.

In this connection I desire to present a letter dated October 13, 1953, from the Honorable Herbert Brownell, Attorney General of the United States.

Mr. HENDRICKSON. Mr. President, will the Senator from Arkansas yield?

Mr. FULBRIGHT. At this time I yield no further to the Senator from Indiana.

I yield now to the Senator from New Jersey, to permit him to respond to that, inasmuch as he has been seeking recognition.

Mr. JENNER. Very well.

Mr. HENDRICKSON. Mr. President, the Senator from Indiana is entirely correct with respect to the meetings of the full committee. After the report was completed there never was another meeting of the full committee during that session.

Mr. FULBRIGHT. During that session.

Mr. JENNER. That committee was in existence until January 7, 1953. I did not become chairman until January 16, 1953.

Let me read the letter I received from the Attorney General of the United States:

> In accordance with Senator HENNINGS' reference, the report has been carefully reviewed by the Criminal Division of the Department of Justice as to possible offenses within the Department of Justice jurisdiction. The report fails to show the commission of any such offense. The subcommittee spent a great deal of time, effort, and money in its investigations made prior to the preparation of the report, and there is no reason to believe that new evidence would be forthcoming from further investigations.

If I had time I could go on to clarify this whole matter, but I believe I have presented sufficient information to permit the Senate to understand what occurred.

I thank the Senator from Arkansas for yielding.

Mr. FULBRIGHT. Mr. President, I should like to make 1 or 2 comments about this matter.

The Senator from Indiana is under a complete misapprehension, if I correctly understand this matter, that the only basis for criticism of the conduct of the junior Senator from Wisconsin is possible violation of a statute or a criminal act. Much of the evil of this world comes not from violation of criminal law but from offenses which in no way violate manmade law, such as lying. It is not generally an offense to lie about one's neighbors or to bear false witness, except that it violates the Ten Commandments; but I do not think it is anything for which the Department of Justice would prosecute anybody.

In this case I do not think it is alleged that the taking of $10,000 violates a criminal statute. It may or may not violate a statute, but that is irrelevant and immaterial for the present purpose.

The question is whether or not it is becoming a Senator who was in the particular position the junior Senator from Wisconsin then was in—namely, vice chairman of the Subcommittee on Housing—to accept that much money from a corporation which was engaged exclusively in housing activities, and which ended up owing the Government $37 million.

I think the facts as shown by this committee report will indicate a very substantial loan was made just about that time.

Now, these are facts stated by the committee. I do not know whether we wish to go behind the committee's investigation. In 1929 the Senate did not wish to go behind the committee report. The Senate did not question the validity of the committee report.

If the Senate wishes to question the honesty of the Senator from Arizona [Mr. HAYDEN], the Senator from Missouri [Mr. HENNINGS], and the Senator from New Jersey [Mr. HENDRICKSON] for allegedly pulling the wool over Senators' eyes by saying that it is not a bona fide report, it can do so. I will leave that decision up to the Senate. That is the kind of judgment which the Senate is supposed to make in cases like this. That is the very function for which we are sitting. It is for us to pass judgment on that very question.

If the Senate has no confidence in the subcommittee, it can throw out the report. The Senate can reject the resolution of censure for any reason, good, bad, or indifferent, but that is one of the factors.

I am only saying that, in offering this amendment, based upon the committee report, I think I am bringing the case absolutely within the principal precedent for such action by the Senate.

If we have progressed so far in this great new atomic era that it no longer matters what individual Senators do, that is unfortunate. The Senate can reach such a judgment.

The Senate is quite capable, and it has the power, if it wishes to do so, of approving the conduct of Senators, which makes it good, legal, and proper.

So far as the resolution of censure is concerned, I am only trying to tell Senators what the Senate did, and I am trying to bring the present case within the precedents. If Senators do not think the specific actions which I shall outline are unbecoming a Senator, it is within their power and right to say so. All we wish is to have the Senate to speak.

We would like to know, and I think the country would like to know, just what conduct is expected of Senators and of the Senate itself. I think it may be proper before I conclude to make 1 or 2 observations on the point of the propriety of the Senate itself passing upon this type of question instead of referring it to a committee.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield to the Senator from Oregon for a question.

Mr. MORSE. I ask the Senator to yield only for the purpose of making a brief announcement of intention, and with the understanding that the Senator shall not lose his right to the floor; and with the further understanding that I shall not occupy more than half a minute.

Mr. FULBRIGHT. I ask unanimous consent, Mr. President, that I may yield under those conditions.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MORSE. Mr. President, I have been working since last night on a bill of particulars to be offered as an amendment to the resolution of the Senator from New Jersey [Mr. SMITH] or to be offered, if the parliamentary situation which develops so requires, as an independent resolution. I shall be governed by developments in the Senate. The bill of particulars is now in course of preparation. I shall have it ready so that it can be offered on Monday. It can be printed and ordered to lie on the table until Monday. I assume we shall still be discussing this resolution on Monday. I wanted Senators to know of my intention. The bill of particulars which I am preparing is a memorandum which carries out the procedural principle in behalf of which I spoke last night.

Mr. FULBRIGHT. I may say to the Senator from Oregon that before he entered the Chamber I also had prepared, and had ready to offer, amendments to the pending resolution.

Mr. MORSE. Mr. President, will the Senator yield at that point?

Mr. FULBRIGHT. If the Senator will permit me to finish one sentence, I shall be glad to yield.

I disagreed with the argument which the Senator from Oregon made last night, if I correctly recall his argument, which surprised me very greatly, I may say, for the reason that the Senator sought a delay on the part of the Senate and reference to a committee in order, in some way, to force action by requiring the committee to report back.

In all deference to the Senator from Oregon, I submit that, at this stage in the session, if we are to reach a vote on any action at all, I certainly would oppose that proposal. If it were early in the session, I think such a course might be quite appropriate, but in view of the precedents which I have just cited, and in view of the fact that not only have hearings been held by the committee I mentioned, but several hearings have been held by the committee which the Senator from Wisconsin [Mr. McCARTHY] himself heads, in my opinion, it is not appropriate.

I do not know whether or not Senators wish to question the integrity of the other committee. Apparently the Senator from Indiana [Mr. JENNER] does. But some of the specifications or the bill of particulars, I shall base upon the printed record of the committee headed by the junior Senator from Wisconsin. So I see no need whatever for reference to a committee.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I assume that at least the minority members of the so-called Army-McCarthy special subcommittee will be in a position to report very soon. I shall welcome such report. On the other hand, I would not advise delay beyond the end of this session before the Senate receives such a report.

For my own benefit I followed those hearings more closely, I think, than did most Senators. I read the newspapers every day, and I saw the televised hearings, as did many others. There are many incidents with respect to which I do not believe the subcommittee is in any better position to judge than I am. I saw such incidents with my own eyes, and if I were told something contrary to what I saw I do not think I would be inclined to believe it. I do not need a committee report with respect to any incidents which occurred before my eyes in those hearings. I am quite prepared to justify my view and my judgment on the basis of what I personally observed.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield for a question only.

Mr. MORSE. With the understanding that the Senator does not lose his right to the floor.

Mr. FULBRIGHT. I regret that I cannot yield in that way. The Senator made his speech last night. I shall yield the floor very soon. I am trying to make a somewhat consistent presentation of what happened in connection with the only recent precedent in the Senate.

I yield for a question only.

Mr. MORSE. The Senator yields for a question, and I think I can accomplish my purpose by asking a question.

Mr. FULBRIGHT. It must be a brief one, because I must get on with my own remarks.

Mr. MORSE. Mr. President, I will desist.

The PRESIDING OFFICER. The Senator from Arkansas has the floor.

Mr. FULBRIGHT. Mr. President, I do not wish to be discourteous to the Senator from Oregon, but I am trying to describe what I consider to be a technical subject. I do not blame the people for not reading all the references in the RECORD to the case of Senator Bingham. It has required a good deal of trouble to look up the references. Many other Senators are much busier than I am at this time of the year, inasmuch as I am not a member of the Appropriations Committee. So I believe I will defer certain further observations until the conclusion of my remarks.

I wish to get on with this discussion before I lose the thread of what happened in the Bingham case, because I think it is very important. I was reading the remarks of the Senator from Georgia [Mr. GEORGE].

I ask unanimous consent, Mr. President, at this point in my remarks that the complete statement of the Senator from Georgia [Mr. GEORGE] be inserted in the RECORD because I do not wish to leave any doubt about our knowledge of everything that he said. The statement is not very long; it is less than one column.

Mr. LANGER. Mr. President, I object; I think it ought to be read.

Mr. FULBRIGHT. I am quite willing, if the Senator is interested, to read the entire statement.

Mr. LANGER. I am interested in what the Senator from Georgia said.

Mr. FULBRIGHT. I think it is very informative. I am very proud of what the Senator from Georgia said; and the Senate ought to be proud of what he said and what he did in that case. Continuing his statement:

I regret that this resolution is framed exactly in the way that it is framed, because it is subject to some misinterpretation—not, perhaps, by those who give it careful study, but the public may read into it some implications that ought not to be read into it.

Mr. President, my interpretation of the resolution is this, and with this understanding I shall vote against the substitute—

By way of explanation, I may say that the Senator from Utah [Mr. Smoot] had offered a substitute, which was practically innocuous—it was just against sin—and I shall read it in a moment That is what was referred to—

because I regard that as meaningless, something like the poetry at the head of one of Kipling's chapters, it has not anything to do with the real issue that has been raised here by an act which cannot be regarded or passed over as purely private, but which has in it a public significance and carries with it certain public signifiance. This is my interpretation of the resolution, and upon this interpretation I shall vote against the substitute and I shall vote for the resolution offered by the Senator from Nebraska. I express the hope now that he may modify the language, but I shall not formally offer this statement as a substitute for his resolution for obvious reasons.

Resolved, That the action of the Senator from Connecticut in placing Charles L. Eyanson, then an officer in the Manufacturers' Association of Connecticut, upon the official rolls of the Senate in the circumstances set forth in the report of the subcommittee of the Committee on the Judiciary (Rept. No. 43), thereby enabling the said Eyanson to enter the secret executive sessions of the majority members of the Finance Committee during their consideration of the tariff bill (H. R. 2667), etc., tends to weaken public confidence in the processes of Government, is contrary to the public morals and the public interest, and is condemned.

Mr. President, no private morals are here attacked; there is no assault upon the intent or the purpose of anyone, but we are concerning ourselves, as only we may be rightfully concerned, I think, with public morals, with the public interest, the quality of official conduct and act, the manner in which that conduct or that act affects the public welfare.

I submit that is a very excellent statement of what is concerned and involved in this matter, too.

I interpret the Senator's resolution to mean this, that it is lifted above possible criticism of the personal conduct or act of the Senator from Connecticut, and so interpreting that resolution, I shall vote for the resolution offered by the Senator from Nebraska.

That is the complete statement, verbatim, as I said, on page 1526 of the CONGRESSIONAL RECORD. There are a few other statements I should like to get into the RECORD. First, I think for the RECORD it would be well for me to read exactly what Senator Norris offered. I read from page 5115:

The Chief Clerk read the resolution (S. Res. 146), submitted by Mr. Norris on the first instant—

That is the 1st of November—

as follows:

"Resolved, That the action of the Senator from Connecticut, Mr. Bingham, in placing Mr. Charles L. Eyanson upon the official rolls of the Senate at the time and in the manner set forth in the report of the subcommittee of the Committee on the Judiciary (Rept. No. 43, 71st Cong., 1st sess.), is contrary to good morals and senatorial ethics, and tends to bring the Senate into dishonor and disrepute, and such conduct is hereby condemned."

I submit the wording of that resolution is more severe than the one we have before us today.

Contrary to good morals and senatorial ethics—

They still thought about senatorial ethics back in 1929—

and tends to bring the Senate into dishonor and disrepute, and such conduct is hereby condemned.

Senator Bingham made one of the first speeches in his own defense. In effect he did not deny the facts, but he denied very vigorously that he had done anything wrong. He denied that it had the public effect that the Senator from Georgia so well set forth.

The next interesting point I think is the substitute that was offered by Senator Smoot, of Utah:

The CHIEF CLERK. The Senator proposes as a substitute for Senate Resolution 146 the the following:

"Resolved, That the Senate disapprove the employment as a clerk to a Senator or committee of the Senate, of any person who at any time during his service as such clerk has been or is employed by any individual, partnership, corporation, or association engaged in the manufacture, production, or importation of articles affected by tariff legislation, or by any association or group of such manufacturers, producers, or importers."

That is the one which was voted down.

It is the one which was voted down. That is the one that the Senator from Georgia [Mr. GEORGE] referred to.

I want to read one or two very short statements. Senator GILLETTE said, on the next page, relative to this discussion:

Mr. GILLETTE. I recognize and admit the difference, Mr. President. I admitted at the outset. I admit the entire impropriety of what was done; but what I claim is that the Senator from Connecticut did not appreciate it, and did not do it for the purpose of furthering those particular interests, and that he did not believe that the individual he employed in the committee room was there to give away any of the secrets of the committee or in any way to do more than to give him the facts in the case.

They made the point that, well, he was not personally morally corrupt. That is what the Senator from Georgia [Mr. GEORGE] was talking about. He said that is not what the issue is. Although the Senator felt in his mind that his motives were completely free of fraud, the fact remains that he did commit an act which reflected upon the integrity and honesty of the procedures in the writing of a tariff bill, and therefore it should be condemned. He was not sentenced to death. He was not subjected to a criminal trial, which was apparently what the senior Senator from Oregon [Mr. CORDON] must have had in mind when he spoke last evening, when he was so concerned about a day in court, and all that. Senator GILLETTE was simply condemning conduct as unworthy of a Senator.

Senator Norris said:

Even if it be true—

Referring to the Gillette statement—

assuming the Senator from Connecticut has no conception of senatorial ethics or senatorial honor and that he does these things without thinking they are wrong, is it not time, if that be true, that the Senate should take some action to let him as well as the country know that we think it is wrong?

I submit that is a very appropriate observation about this case and about some of the words in defense that have been uttered here.

The statement of Senator Norris, of Nebraska, on page 5116, continues:

Even if that be true, assuming that the Senator from Connecticut has no conception * * * is it not time * * * that the Senate should take some action to let him as well as the country know that we think it is wrong?

I submit it is time we let the country know that we do not approve of some of the things that have been said on the floor of the Senate about some of the outstanding citizens of this country, and a few other things, such as I mentioned, with regard to the acceptance of large fees from companies that one might say are under the domination of particular committees of this Congress.

From page 5119 of the RECORD I should like to read 2 or 3 sentences on this matter. I believe Senator Norris, who was the sponsor of the resolution, understood the situation quite well. Referring to a remark made by Senator GILLETTE, he said:

I think that the Senator from Massachusetts does not yet comprehend the real issue before the Senate, at least as I see it. This is not a question of the vindication of the Senator from Connecticut or of his condemnation. It is a question of the honor of this body. It is a question as to whether the Senate is going to approve certain actions taken by some of its Members or one of its Members, and because it happens to be the Senator from Connecticut does not make it a personal matter by any means.

I particularly invite the attention of the Senator from Illinois [Mr. DIRKSEN] to that statement. Last night he vigorously asserted that the resolution of censure is purely a personal matter between the Senator from Vermont [Mr. FLANDERS] and the Senator from Wisconsin [Mr. MCCARTHY].

Continuing the quotation from Senator NORRIS.

I assure the Senator from Massachusetts, and I hope I may be believed by all of my fellow Senators, that in the introduction of the resolution I had no personal feeling whatsoever.

He continued:

However, I have no personal ill will in taking it. I want to preserve the honor and the dignity of this body before the people of our country; I think unless we take some action we cannot preserve that honor and that dignity, and we shall be held in disrepute if we permit things that have admittedly been done in this case to go uncensured and uncondemned. * * *

Mr. President, the speech of the Senator from Massachusetts, taking it as a whole, was an apology for the action of the Senator from Connecticut. Some parts of it seemed to condemn the Senator from Connecticut worse than I condemn him; but the speech was apologetic all the way through; it was an apology; and yet the Senator from Connecticut will not make any apology. He says, "No, what I did was right; I am not apologizing for it." I can hardly appreciate how the Senator from Connecticut must feel when his own friends are going to vote in his favor with the apology that the Senator from Massachusetts makes in his behalf. I think if I were the Senator from Connecticut, I had rather take the condemnation, however severe it might be, than to be rescued by friends in the apologetic manner suggested by the Senator from Massachusetts.

To give a little variety by quoting a different Senator, on page 5121, Mr. Pittman had this to say:

The Senator must keep in mind all the time, as I have urged the Senator from Connecticut to do, that this resolution was not drawn as a personal resolution. It does not charge the Senator himself with being immoral. It charges this conduct as reported, and standing undisputed, the conduct itself, as contrary to good morals; and I think it is.

I pass on to the statement of Senator Edge, of New Jersey. The first Smoot amendment was voted down. The yeas were 32, the nays were 44. I did not analyze that vote to see how many Republicans and Democrats were on each side. I assume there was a similar division, but the vote which I mentioned a moment ago was the vote on final passage of the resolution.

Mr. KNOWLAND. Mr. President, will the Senator yield, without losing his right to the floor, in order that I may make a brief announcement to the Senate?

Mr. FULBRIGHT. I yield for that purpose.

Mr. KNOWLAND. Inquiry has been made of the majority leader regarding the program for the remainder of the afternoon. I had previously stated that the Senate would not remain in session after 7 o'clock, but it is not our intention to come to a vote this afternoon on any of these resolutions or proposed amendments or substitutes. I hope the Senators will remain in attendance in the Senate Chamber to participate in and listen to the discussion, but when the discussion has run its normal course I shall be prepared to move to recess the Senate until 12 o'clock noon on Monday next. I wanted to make that statement because I had no intention of bringing to a vote any of the amendments or substitutes that have been offered at this time. In the interest of orderly procedure I feel that it is of importance that Senators have an opportunity to reflect and rest over the weekend, and when matters are not under quite so much tension, to reach a determination as to the proper course of action of the Senate. For that reason; I do not intend to press for any vote this afternoon.

I thank the Senator from Arkansas.

Mr. FULBRIGHT. I reassure the Senator that I do not intend to read all the material before me on my desk. I am almost through with this RECORD. I wish to make one or two further comments, and then I shall conclude very briefly.

I think this case is worthy of so much attention because it is an unusual action. As I have stated, the next preceding case of censure was in 1902. There have been only 2 such cases in the past 54 years. I believe it is necessary to go back from 1902 to Revolutionary days to find another such censure resolution. So actually there have been only 2 such cases in more than 100 years.

So the case to which I have referred is our last precedent. I think certainly the older Members of the Senate know how important it is. When our very able predecessors have given such great thought to these matters, I do not know of anything more important in the consideration of the present than a thorough understanding of what was said and done in the last previous action of a similar kind taken by this body.

After the defeat of Senator Smoot's substitute, Senator Edge, of New Jersey, offered this substitute:

Resolved, That the action of the Senator from Connecticut, Mr. Bingham, in placing Mr. Charles L. Eyanson upon the official roll of the Senate at the time and in the manner set forth in the report of the subcommittee of the Committee on the Judiciary * * * is contrary to senatorial ethics and tends to bring the Senate into disrepute, and such conduct is hereby disapproved; be it further

Resolved, That in the presentation of this resolution it is not intended to in any way impugn the motives of the Senator from Connecticut as being improper or dishonorable.

That amendment, with very little debate, was voted down 34 to 43.

The debate continued on the Norris resolution. I wish to read 1 or 2 further excerpts from statements by various Senators, to give the Senate a taste of the sort of things Senators were saying and thinking on this subject at that time.

Senator Dill—whose name is well known to all of us—commented on page 5130. I shall not read the entire statement. That is not necessary. But I believe these comments are significant.

I said some days ago outside the Senate what I now say on the floor of the Senate—that I believe that the action of the Senator from Connecticut should cause him to be removed from the Finance Committee; and I seriously considered the advisability of offering an amendment to this resolution providing for his removal. The Senate has that power. When I recall, however, that members of committee are placed on committees largely by their own party leaders, it seems to me that in this situation it is the duty, if such duty there is, to be performed by the Republican leaders, particularly the Republican leaders on the Finance Committee. So I decided not to offer such an amendment.

I read that statement because of the discussion which has taken place with respect to a previous suggestion by the Senator from Vermont [Mr. FLANDERS] as to membership on the committee. Senator Dill did not call for the censure itself. He went on to say:

To me it is the gravest kind of breach of public trust, and a still greater breach of faith in one's fellow Senators, to place upon a committee intrusted with the writing of a tariff law to give special privileges in the form of tariff taxes a man who is in the employ of an association whose biggest purpose at this time is to secure special tariff rates. But the Senator from Connecticut sees no offense in such action. As I have said, that is what makes it so difficult to deal with this situation.

I submit that Senators of that day were very sensitive indeed to the honor of the Senate.

I have already placed in the RECORD the vote on that resolution.

I submit, Mr. President, that that is a most appropriate and important precedent for us to follow in the present situation, and I recommend it to all Senators who are interested in this subject. Surely every Member of the Senate should read that complete debate, because in a very real sense his own reputation is involved.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield to the Senator from Florida.

Mr. HOLLAND. Mr. President, in view of the fact that the resolution dealt with the reputation of a Senator, I hope the distinguished Senator from Arkansas will see fit to place in his remarks the additional comment that the author of the resolution, the distinguished Senator from Nebraska, Mr. Norris, accepted an amendment reading:

While not the result of corrupt motives on the part of the Senator from Connecticut.

The amendment was offered by Senator Glenn and Senator Bratton, and was accepted, on page 5129 of the RECORD. It is found in the final draft of the resolution as adopted, which the Senator from Arkansas will find on page 5131 of the RECORD. I think a very important feature of the debate is that the distinguished Senator from Nebraska, Mr. Norris, accepted the amendment:

While not the result of corrupt motives on the part of the Senator from Connecticut.

Mr. FULBRIGHT. I certainly am glad to do what the Senator from Florida suggests. I thought that in the remarks of Senator Norris and in the previous remarks of Senator GEORGE, they had made it eminently clear, time and again, that it was not the corrupt motives of the Senator from Connecticut which they were passing upon, or that were even significant, in their view. As I understand the remarks of the Senator from Georgia, he was not concerned about the personal motives of the Senator from Connecticut. It was the effect on the public and the reputation of the Senate in the eyes of the citizens which concerned him.

Mr. President, I shall ask unanimous consent to have printed, or I shall read, if the Senator prefers, the resolution after it was amended by the acceptance of a suggestion by the Senator sponsoring the resolution. I read as follows:

Resolved, That the action of the Senator from Connecticut, Mr. Bingham, in placing Mr. Charles L. Eyanson upon the official rolls of the Senate and his use by Senator Bingham at the time and in the manner set forth in the report of the subcommittee of the Committee on the Judiciary (Rept. No. 43, 71st Cong., 1st sess.), while not the result of corrupt motives on the part of the Senator from Connecticut, is contrary to good morals and senatorial ethics and tends to bring the Senate into dishonor and disrepute, and such conduct is hereby condemned.

There are other remarks also on that page. I thought the Senate was becoming tired of hearing me read the more or less repetitious remarks on that point. I think the previous remarks cover attitude and interpretation of the Senator from Georgia, the Senator from Nebraska, the Senator from Washington, and other Senators.

I agree with the Senator from Florida [Mr. HOLLAND] that the entire debate would be most interesting, if we had time to read it now. However, I do not feel that I am justified in taking more of the time of the Senate to read that particular debate.

Mr. SALTONSTALL. Mr. President, before the Senator leaves the record of debate in 1929, I may say that I have read that record, and the distinction between the resolution of Senator Norris, as it was finally adopted, and the resolution of the distinguished Senator from Georgia [Mr. GEORGE], who is still with us, which was not adopted, although it was offered and read, is the distinction between personal conduct and what is good public morals. Is not that the question?

Mr. FULBRIGHT. As I understand, what the Senate was concerned with and was getting at was the condemnation of actions which were contrary to good morals and which would result in the disrepute and dishonor of the Senate.

Mr. SALTONSTALL. The original resolution reads——

Mr. FULBRIGHT. The Senator from Georgia offered his resolution only as an interpretation of what he thought the Norris resolution meant. He did not formally offer it for action by the Senate.

Mr. SALTONSTALL. The language of the proposal of the Senator from Georgia was:

Is contrary to public morals and the public interest, and is condemned.

The Norris resolution reads:

It contrary to good morals and senatorial ethics and tends to bring the Senate into dishonor and disrepute, and such conduct is hereby condemned.

In other words, the distinction is between personal conduct which might be condemned and a public action which might be condemned because it was against public morals. Is not that the distinction?

Mr. FULBRIGHT. I think that is correct, if I understand the Senator. What we are concerned with is the effect on the public. I do not know how better to illustrate it.

There is no doubt that the Members of the Senate are in a very special situation. If we do things which give the public the idea that we are corrupt, that we expect large fees from interested persons, that will cause disillusionment on the part of the people. It will weaken the entire fabric of democratic society, and this country will end up in the same way that Germany or Italy did. Such a condition will cause the disruption of our whole system of government. The faith of the people in their representatives is fundamental to our system. I think that was what the Senator from Georgia is trying to get at. He was concerned about the effect of that case on the public. As he said, it was regrettable that personalities were involved. He said two or three times that personalities were involved, which he regretted, but he could not overlook the fact that there were public implications, and the public welfare was involved also. He felt that it simply would not do for the people to think that their tariff laws were being written under conditions whereby paid lobbyists were invited into secret meetings, because it would make the whole operation suspect.

Mr. SALTONSTALL. Will the Senator yield for one more question?

Mr. FULBRIGHT. I yield.

Mr. SALTONSTALL. The Senator from Vermont, in his resolution, speaks about the personal conduct of the junior Senator from Wisconsin.

Does the Senator from Arkansas, having brought in the so-called Lustron case in the report, intend to utilize that incident as an example of poor personal moral conduct, or does he intend to itemize that incident as having been against the public morals, without being itself poor personal moral conduct? There is a very good distinction there.

Mr. FULBRIGHT. It is very difficult for me to determine your point. This resolution is not personal. I think the Senator is seeking to oversimplify. What I intend to do is to offer an amendment, and then to read to the Senate, in support of the amendment, a statement by the committee, to which I referred, which goes far beyond the acceptance of $10,000. It goes to the surrounding circumstances. That is what is very significant and is of a public nature.

As I have said, I have no objection to the junior Senator from Wisconsin getting or making money under circumstances which cast no reflections upon the Senate or upon him in his capacity as a Senator.

Any time any one of us does anything which brings disrepute upon himself as a Senator, to some extent that disrepute attaches to the Senate as a whole.

I do not know whether I quite follow the Senator from Massachusetts. I hope the Senator will agree with me, after he has read the report. I do not know whether the Senator is familiar with all the circumstances which are set forth in the report concerning that particular incident.

Mr. SALTONSTALL. What I am trying to make clear in my own mind, after listening to the points the Senator has tried to make, from a reading of the Bingham case, which I also have read, is to make a distinction between personal conduct, and conduct as a Senator which is against public morals. If the Senator from Arkansas is trying to make the latter point, is he trying to implement it by the Lustron case?

Mr. FULBRIGHT. I have not the slightest interest in the personal life of the junior Senator from Wisconsin—none whatsoever.

I am trying to make the same point which the distinguished Senator from Georgia made. In my feeble way, I have tried to follow him. That is why I have read his words. He said what I think we are trying to do here. That is my interpretation of this particular situation.

I do not know how I can improve on the words of the distinguished Senator from Georgia. I think he did a very fine job, and it made sense to me.

If the Senator from Massachusetts cannot understand what the Senator from Georgia said, I am afraid I cannot make it any plainer to him.

Mr. SALTONSTALL. Mr. President, will the Senator yield?

Mr. FULBRIGHT. Certainly; I yield.

Mr. SALTONSTALL. I can understand what the Senator from Georgia said. I am trying to make up in my own mind whether it is in the mind of the Senator from Arkansas to go along with the Senator from Georgia in the case, or whether he is going along the line of the Senator from Nebraska, Mr. Norris.

Mr. FULBRIGHT. I thought I made it very clear that I approved most heartily of the language and the sentiments of the Senator from Georgia, and that I thought his language was a precedent for the present action; that the reasons he gives so persuasively for voting for censure in that case apply equally to the present situation. I was trying to make that point.

I regret my inability to express myself more clearly.

Mr. SALTONSTALL. Then, does the Senator feel that the language of the pending resolution, offered by the Senator from Vermont, is too personal in its effect, and that it should be in some modified form, which would indicate that it is aimed against acts not in the public interest, rather than against poor moral personal conduct as such.

Mr. FULBRIGHT. I do not understand the resolution to be personal. What does the Senator mean by this being so much more personal than the other?

Mr. SALTONSTALL. I thought the Senator was trying to draw a distinction in the Bingham case between what were good personal morals, and what was in the best interest of the public or in the public good.

The language in the pending resolution is:

Resolved, That the conduct of the Senator from Wisconsin, Mr. MCCARTHY, is unbecoming a Member of the United States Senate, is contrary to senatorial traditions, and tends to bring the Senate into disrepute, and such conduct is hereby condemned.

That would seem to me to be personal.

Mr. FULBRIGHT. I do not so read it. What we are getting at is the Senator's actions. Although I have several other specific proposals I shall offer, it seems to me it is contrary to senatorial conduct to accept money under the circumstances under which it was accepted by the Senator from Wisconsin.

It also seems to me it brings the Senate into disrepute, without regard to the Senator's personal enrichment, or what effect it may have on his standard of living, or anything else. What the Senator did with the money is not important to me. The committee report sets out exactly what he did do with the money, but that is not what I am interested in. I am interested in the effect on the public.

I thought I was trying to present the same idea presented by the Senator from Georgia. Perhaps the language could be strengthened. The language in the Bingham case was stronger than the proposed language. I would welcome the Senator from Massachusetts tightening the language up by offering an amendment to insert, "contrary to good morals," or whatever the language is. I think it would be a very desirable move, if the Senator from Massachusetts would care to do that.

Mr. WELKER. Mr. President, will the Senator yield for a question?

Mr. FULBRIGHT. I yield to the Senator from Idaho.

Mr. WELKER. With respect to the Lustron matter——

Mr. FULBRIGHT. Will the Senator from Idaho speak a little louder? I cannot hear him.

Mr. WELKER. I have a sore throat. I am sorry, but I shall do my best.

Mr. FULBRIGHT. Mr. President, can we have a little order, so we can hear?

The PRESIDING OFFICER. The Senate will be in order.

Mr. WELKER. With respect to the Lustron matter which has been discussed in the debate, I understand that matter will be involved in the Senator's amendment to the resolution.

Mr. FULBRIGHT. That is one of the matters involved.

Mr. WELKER. Does the Senator from Arkansas feel that the junior Senator from Wisconsin, by virtue of the fact that he wrote a book, under a contract, could have had any influence on the administration which was then headed by President Truman?

Mr. FULBRIGHT. I will say to the Senator from Idaho that I rely upon the report of the committee on that very subject, which I shall read in a moment, on the same theory as that on which the Senate relied with regard to the report of the preceding committee. The best evidence as to the facts mentioned by the Senator from Idaho is the report of the committee. The report is the source of my making this particular specification, if I may call it that.

Mr. WELKER. Will the Senator yield further?

Mr. FULBRIGHT. I yield for a question.

Mr. WELKER. Will the Senator tell me what the difference is between one Senator writing a book for veterans which shows them how to get housing loans, and so forth, under a contract with the Lustron Corp., and a Senator on the opposite side of the aisle, who served as chairman of a crime investigating committee, writing a quite famous book, from which, I am informed at least, he made much more money than did the junior Senator from Wisconsin. It was a book about crime in America, and was published by Doubleday in 1951. I should like to have that difference clarified.

Mr. FULBRIGHT. Mr. President, I yield no further, because the Senator is getting into an argumentative matter.

Mr. WELKER. I do not wish to do that, I may say to the Senator.

Mr. FULBRIGHT. It is within the Senator's right to discuss the question, but he should do it on his own time. The Senator is not asking me a question; he is making a speech, which really goes to the validity of the report of the Senate committee. He has a right to do it. I am not objecting to that. But the Senator is not asking me a question. I have already informed the Senator that I rely upon the report of the committee. I am not making this up out of thin air, although I remind the Senator that the particular incident of the $10,000 first turned up in the investigation of the RFC by a subcommittee of which I was chairman. That was the first time the matter came to public notice. I recall very distinctly having the president of the company appear before our committee, and asking him why the $10,000 was given, and all about it. As I say, I am not relying on that incident; I am not relying on the hearing held at that time. Perhaps before this matter is completed, we should look into that. But for the moment I assume that the statement contained in the committee report, in conjunction with the statement in the Bingham case, is a proper basis for the charge. That is the point I made.

Mr. WELKER. I apologize to the Senator if he thinks I am trying to take up his time. I am sure the Senator realizes I would not do that. I was merely asking the Senator the difference between those two overt acts. If he does not care to discuss it perhaps I can take time to discuss it later.

Mr. FULBRIGHT. I am sure the Senator will discuss it. I do not know that this is a complete answer at all, but I did

not think that the purchaser of the book written by the Senator from Tennessee had any connection whatever with the Government, or that he was in any position to favor, intimidate, or in any way influence officials in the Government. I assume that transactions in connection with the sale of the book were at arm's length. My definite impression, from the committee report, is that that was not the case with regard to the $10,000 matter. That is one very obvious difference that occurs to me.

Regarding what the Senator from Idaho said, although I am not familiar with the terms of the sale of the book written by the Senator from Tennessee, I have heard similar talk, but that transaction has not been the subject of a senatorial committee report, and I have no evidence as to the circumstances of that sale. If a Senator had sold the book to the Information Division of the State Department for $10,000, and he had been chairman or vice chairman of a committee which had obtained certain information because of his control of the committee, and he had been making recommendations to increase the salary of a director of that agency, and if he was also influential in having appropriations made, it might have been a similar matter—at least similar to the statement contained in the report, which I shall read when I offer the amendment.

Mr. WELKER. Will the Senator be kind enough to yield for one more question?

Mr. FULBRIGHT. I shall yield for a brief question, because my throat is also getting sore, and it is high time I yielded the floor. I am at about that point.

Mr. WELKER. I hope my friend realizes that I do not wish to delay his very able presentation. The Senator from Arkansas is aware of the fact, is he not, that for a long time I sat on that same Privileges and Elections Committee, and I heard the testimony of the gentleman who founded the Lustron Co.? I have forgotten his name.

Mr. FULBRIGHT. His name is Carl Strandlund.

Mr. WELKER. I resigned from that committee on the ground and for the reason that I felt it was a political committee, and I felt the Senate should have that information.

Mr. FULBRIGHT. That is certainly within the right of the Senator. He can resign from any and all committees, if he chooses. I do not know of any committee in the Senate which is not slightly touched by politics. In fact, I was under the impression that the Senate is a political body, and that all of us came here as a result of political action on the part of constituents who are citizens in a political organization. If we are going to attempt to escape politics in this body, I think we had better close up shop.

The question is not whether it is politics. The question is whether it is good politics, whether it is in accordance with accepted traditions and ethical conduct, largely growing out of the practices and precepts handed down to us by the Founding Fathers and many eminent men since then. That is why I emphasize what was done in 1929. I think it is an excellent example of the highest sort of conduct on the part of the Senate. I think the Senate at that time exhibited a very praiseworthy sensitiveness to the honor of this body; and I believe that all of us here are the beneficiaries of the action taken by that group of men in 1929; and I am very anxious to have us maintain the honor and prestige of the Senate in as good condition.

Mr. WELKER. I am sorry that I am not able at this time, because I do not have the floor, to answer the long discourse of the Senator from Arkansas.

Mr. FULBRIGHT. Mr. President, I do not yield. I beg to remind the Senator from Idaho that I have the floor and that I am making my own speech.

Mr. WELKER. I appreciate that.

Mr. FULBRIGHT. The Senator from Idaho will have ample time to discuss this matter when I have completed my speech.

Mr. WELKER. I hope the Senator from Arkansas will be on the floor when I do discuss it.

Mr. FULBRIGHT. I hope I shall be able to. I must admit that I am getting rather tired.

The PRESIDING OFFICER (Mr. GOLDWATER in the chair). The Senator from Arkansas declines to yield.

Mr. FULBRIGHT. Mr. President, my concluding remarks, if I may call them that, relate to a somewhat different matter, one which I think is of extreme importance. To me, the way we approach this whole matter is of the greatest importance.

I support the resolution of censure of the junior Senator from Wisconsin, not because of his personal character, as I have said, or because of his private views about human affairs. On the contrary, I support the resolution of censure because of his official degradation of a power of the Senate, by which he has gravely injured the United States and the Senate of the United States.

Here at home, the prestige and position of the Senate have been lowered in the estimation of our people. Abroad, the power and influence of the United States, which in large part depend upon the respect in which we are held, are greatly weakened by the junior Senator from Wisconsin. The power he has abused is a vital power of the Senate, namely, the power of investigation and inquiry. This power lies at the very heart of the Senate's legislative role. To weaken it and to bring it into disrepute, strike at the heart of the legislative process and of the power itself.

The investigative power is one which only the Senate itself can preserve and protect. It is not a party responsibility. The Senate alone has that power and responsibility. Here the courts have no function. The Executive cannot enter. Even the Congress as a whole is not responsible. Each body of the Congress is responsible, and alone responsible, for the committees and for the Members who exercise its power in its name. In the case of the Senate the whole Senate is responsible, because the whole Senate is injured.

In the words of the Constitution—article I, section 5:

> Each House may determine the rules of its proceedings, punish its Members for disorderly behavior.

Section 6 of article I of the Constitution provides, in part, as to the Members of each House, that for "any speech or debate in either House they shall not be questioned in any other place."

Mr. President, I emphasize the words "they shall not be questioned in any other place."

Mr. President, this provision of the Constitution is often said to give Members immunity from responsibility, but this immunity relates solely to the forum in which they shall be held accountable.

When the Founding Fathers took from a person who might be libeled from the floor of the Senate the right to have recourse in the courts, they did not mean that the floor of the Senate should become a place where falsehoods could be told with immunity. They meant to transfer to the Senate, and to the Senate alone, the responsibility for what took place on the floor of the Senate. This privilege of freedom from accountability in any other place has helped make the Senate the greatest deliberative body in the world. But this privilege, like all other privileges, carries with it a heavy responsibility—the responsibility of the Senate for the conduct of its Members on the floor of the Senate. When Members have violated the canons of good conduct, have been contemptuous of the traditions of the Senate, the only place where they can be held accountable is in the Senate itself. Clearly, Mr. President, the Constitution contemplates that in cases of this kind, the Senate as a whole, without regard to party, must take full responsibility for judging the conduct of its Members.

Mr. President, the junior Senator from Wisconsin is an unusual character, with extraordinary talents. It is necessary for one to see him in action as chairman of his committee, to fully appreciate his talents; they cannot be described adequately by words. Fortunately, many millions of Americans, including, I assume, all Members of this Senate, have observed the technique and methods of the junior Senator from Wisconsin, so there is no need to attempt a description thereof.

I propose merely to recall to mind some of the instances of abuse of power which I believe fully warrant the resolution of censure submitted by the Senator from Vermont.

Mr. President, the abuses by which the junior Senator from Wisconsin has degraded and brought into disrepute the great and vital power of the Senate to investigate are not minor. His abuses have recalled to the minds of millions the most abhorrent tyrannies which our whole system of ordered liberty and balanced power was intended to abolish.

First. He has used the position and power which this Senate has conferred upon him, to infringe the rights and liberties of citizens of this Republic, and he has inflicted grave injury upon them.

The first case I should like to mention is that of Gen. George C. Marshall. I

believe that Gen. George C. Marshall is a great patriot. I think his service to his country, both in time of war and in time of peace, has entitled him to the thanks of the country which he has served with devotion and ability. I am not alone in this view. General Eisenhower, on August 22, 1952, described General Marshall as one of the patriots of this country. He went on to say:

If he was not a perfect example of patriotism and a loyal servant of the United States, I never saw one. I have no patience with anyone who can find in his record of service for this country anything to criticize.

Yet on the floor of this Senate, the junior Senator from Wisconsin [Mr. McCARTHY] sought to identify General Marshall with "a conspiracy so immense and an infamy so black as to dwarf any previous venture in the history of man."

"The object of this conspiracy," said the Senator, "was to diminish the United States in world affairs, to weaken us militarily, finally fall victim to Soviet intrigue from within and Russian military might from without."

This attack on General Marshall was only the forerunner of other attacks on other American citizens. Nathan M. Pusey, Gen. Ralph Zwicker, John J. McCloy, Struve Hensel, and Charles E. Bohlen have all had their loyalty impugned, their patriotism attacked, and their devotion to this country questioned.

Finally, we have the case of Annie Lee Moss, who was told—even before she had been given a chance to take the witness stand in her own defense—that the junior Senator from Wisconsin had decided that she was a Communist. She was told that if she denied the charges against her, she would be committing perjury, and that her prosecution would be recommended.

Having put a Member in a position of power where he may compel attendance upon his committee and response to his inquiry, it is the duty of the Senate to see that citizens are protected from insulting and offensive attacks by its agent. The more insignificant and helpless the citizen, the more compelling is the duty of the Senate. The Senate is not living up to this duty if it permits tactics like those used by the junior Senator from Wisconsin in the case of Annie Lee Moss to go unrebuked. I say that regardless of whether she may have been affiliated with the Communists. The procedure itself was absolutely indefensible, as will be noted from reading the record I shall present.

Second. The Senator from Wisconsin has openly invited and incited employees of the Government to violate the law and their oaths of office. I think the legal position has been well stated by the chief law official of the Eisenhower administration, Attorney General Brownell. This is what he has said:

Anyone who attempts to put himself above the law and invite Government employees to turn over classified information relating to our national security, in violation of statute and Presidential order, is tragically mistaken if he believes he is helping to protect our Nation's safety. * * *

* * * * *

Nothing pleases the Communists more than to create division among the people on matters of national security, impair constitutional government, and encourage disobedience to the law.

* * * * *

The cardinal precept upon which the Constitution safeguards personal liberty is that this shall be a Government of laws.

I think there is no doubt that if a member of the executive branch called on the Members of the Senate, or upon the employees of the Senate, to violate their oaths of office, all of us would agree that the member of the executive branch responsible should be disciplined, punished, or perhaps even dismissed. Our Constitution is based on the assumption that there are three separate branches of the Government, each equal in importance. We of the legislative branch cannot, therefore, be any more tolerant of a request by a member of the legislative branch that members of the executive branch break their oaths of office, than we should be if the situation were reversed.

Third. The Senator from Wisconsin has virtually paralyzed the Voice of America and the overseas libraries by his reckless investigations. I would like to read you excerpts from an official report of the United States Advisory Commission on Information which has been signed by Erwin D. Canham, editor of the Christian Science Monitor; Philip D. Reed, chairman of the board of the General Electric Co.; Ben Hibbs, editor of the Saturday Evening Post, and Justin Miller, chairman of the board of the National Association of Radio and Television Broadcasters:

The wide and unfavorable publicity that resulted from one of the congressional investigations gave the agency such a bad name that professionally competent persons were reluctant to accept employment in it. * * * It is not too much to say that the desirable results sought through the activities of the information agency are largely offset if not destroyed, by this constant counter-barrage which is so generously distributed to the peoples of the world.

The Voice of America and the United States Information Service is one of the most important weapons in the arsenal of the free world in combating the evil forces of Communist aggression. I may say, the Senate has approved sums up to or in the neighborhood of $75 million a year to try to make that information service effective. These gentlemen have told us that the attacks on the United States Information Service has reduced the Voice of America to impotence, that they have deprived the United States of this key weapon in its fight against Soviet aggression. Had a member of the executive branch of the Government been responsible for destroying the effectiveness of the Voice of America, such official should be impeached and certainly consured.

There is no question who is responsible for the attack on the Voice of America which has produced the result so clearly portrayed by the report of Mr. Canham and his colleagues. This is the responsibility of the junior Senator from Wisconsin. As Members of the Senate, we have a responsibility for the same censure that we should expect of the executive branch if a member of the executive were guilty of similar action.

Fourth. Mr. President, the ability of the Senate of the United States to function effectively is indispensable to the preservation of our democratic system. The tradition of this body requires that the Members treat one another with mutual respect and consideration. This body can function properly only if its Members treat one another with mutual respect and consideration. Representing 48 sovereign States of a great Federal system with sharp diversity in religious, economic, cultural, and racial characteristics, it is not easy to restrain within reasonable bounds the conflicting opinions and personalities of the Members.

By his personal attacks upon fellow Senators and apparent attempts at intimidation, the junior Senator from Wisconsin has enhanced the differences among us, impeded the work of the Senate and tended to bring the Senate itself into disrepute in the eyes of the citizens of this country. A few examples of this kind of offense against the Senate are as follows:

ATTACKS ON SENATOR MONRONEY

New York Herald Tribune, July 28, 1953; dateline Washington, D. C., July 27:

McCARTHY said today that Senator MONRONEY is "taking over the job of whitewash and coverup of communism and corruption."

United Press dispatch, July 27, 1953:

McCARTHY said MONRONEY was welcome to the job of becoming "a megaphone on the Senate floor" through which "fellow travelers and Communists could spew forth their smear and character assassination against anyone hurting the Communist cause." But he said MONRONEY used the Senate floor "for smear and character assassination against members of our staff who cannot in turn use the Senate floor to fight back."

On August 20, 1951, he had this to say about the Senator from New Jersey [Mr. HENDRICKSON] who is certainly one of the most distinguished and honorable Members of the Senate, and I may say that I do not mean by that that the Senator from Oklahoma [Mr. MONRONEY] is not one of the most distinguished and honorable Members in the Senate, for certainly it is generally recognized that he is. I believe that everyone who knows the two Senators is aware of their high character.

The junior Senator from Wisconsin said this on that date about the Senator from New Jersey [Mr. HENDRICKSON]:

How such a man can live is a miracle—no brains, no guts, no nothing.

(C) ATTACK ON SENATOR FLANDERS

United Press dispatch, June 2, 1954:

The kindest thing I can say about Ralph is that this may be a result of senility.

From hearings of subcommittee investigating Army-McCarthy dispute. McCARTHY:

This is a statement by the Senator from Vermont. * * * I wonder whether this has been a result of senility or viciousness.

New York Times, June 12, 1954; dateline Washington, D. C., June 12:

McCARTHY said: "I think they should get a man with a net and take him [FLANDERS] to a good quiet place."

Attack upon Senator GILLETTE and the members of his subcommittee, Senators HENNINGS, HENDRICKSON.

CONGRESSIONAL RECORD, April 8, 1952, page 3707—letter by Senator MCCARTHY to Senator GILLETTE dated December 19, 1951:

As I have previously stated, you and every member of your subcommittee who is responsible for spending vast amounts of money to hire investigators, pay their traveling expenses, etc., on matters not concerned with elections, is just as dishonest as though he or she picked the pockets of the taxpayers and turned the loot over to the Democratic National Committee.

Fifth. The junior Senator from Wisconsin has injured the morale of the Army of the United States during a period of national danger. The recent events growing out of the attacks made by the junior Senator from Wisconsin on the Army of the United States are too fresh in the memory of all of us for it to be appropriate for me to recount them here. I would like, however, to recall to the minds of my colleagues the statement of the distinguished senior Senator from Arkansas. Senator MCCLELLAN sat through virtually every minute of these long hearings and this is what he had to say at their conclusion:

I am compelled to say in conclusion, Mr. Chairman, that the series of events, actions, and conduct that precipitated the ugly but serious charges and countercharges that made these lengthy and unpleasant public hearings mandatory, I think, will be recognized and long remembered as one of the most disgraceful episodes in the history of our Government.

Simply to say that this series of events is regrettable is a gross understatement. They are deplorable and unpardonable.

Mr. President, I submit that these deplorable and unpardonable events are but the culmination of a course of conduct which imposes upon the Senate the duty to approve the motion submitted by the Senator from Vermont [Mr. FLANDERS].

Mr. President, I should like to close with a paragraph from a statement by one of the leading Catholic prelates in this country, Bishop Sheil, of Chicago. It reads as follows—it is very short. I wish to close, I may say, this part of my remarks, and then I am going to offer the amendment.

The paragraph from Bishop Sheil's statement reads as follows:

But although the church takes no position, and will not, on such matter of public controversy, the church does take a position on lies, calumny, the absence of charity, and calculated deceit. These things are wrong—even if they are mistakenly thought of as means to a good end. They are morally evil and to call them good or to act as if they were permissible under certain circumstances is itself a monstrous perversion of morality. They are not justified by any cause—least of all by the cause of anticommunism, which should unite rather than divide all of us in these difficult times.

That quotation is from a speech concerning the junior Senator from Wisconsin, which I inserted in the RECORD in its entirety only a short time ago.

Mr. President, I have completed my remarks. I now send to the desk certain amendments. I intend to submit these amendments to the resolution.

I wish to propound a parliamentary inquiry, as to whether it is now in order to offer my amendment No. 1.

I ask that the amendments be read for the information of the Senate, and I wish to offer my amendment No. 1, if that is now in order.

The VICE PRESIDENT. The Secretary will read the amendments.

The LEGISLATIVE CLERK. On line 5, after the word "condemn", it is proposed to strike the period and insert the following:

For the following reasons:

1. The junior Senator from Wisconsin, while a member of the committee having jurisdiction over the affairs of the Lustron Co., a corporation financed by Government money, received $10,000 without rendering services of comparable value.

2. In public hearings, before the Senate Permanent Investigations Subcommittee, of which he was chairman, the junior Senator from Wisconsin strongly implied that Annie Lee Moss was known to be a member of the Communist Party, and that if she testified she would perjure herself, before he had given her an opportunity to testify in her own behalf.

3. Although repeatedly invited to testify by a committee of this Senate headed by the Senator from Iowa, the junior Senator from Wisconsin denounced the committee and contemptuously refused to comply with its request.

4. Without justification the junior Senator from Wisconsin impugned the loyalty, patriotism, and character of Gen. Ralph Zwicker.

5. The junior Senator from Wisconsin openly, in a public manner before nationwide television, invited and urged employees of the Government of the United States to violate the law and their oaths of office.

6. The junior Senator from Wisconsin in a speech on June 14, 1951, without proof or other justification, made an unwarranted attack upon Gen. George C. Marshall.

Mr. KNOWLAND. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. KNOWLAND. It is a little difficult for me to follow just what the Senator has in mind. Is he offering a series of amendments, or does he desire to have the amendments considered en bloc, covering certain specifications which the Senator has in mind to be added to the resolution of the Senator from Vermont [Mr. FLANDERS]?

Mr. FULBRIGHT. Mr. President, after consulting the Parliamentarian, I understand that it is in order to offer these amendments seriatim, each one separately. I now ask that amendment No. 1, which is the amendment relative to Lustron, be made the pending question.

Mr. KNOWLAND. As I understand what the Senator has in mind is that the amendment shall be the pending question, but the Senator is not now pressing for a vote on his amendment No. 1.

Mr. FULBRIGHT. No; but as soon as that amendment is disposed of I intend, if permitted to do so, to offer the next amendment, offering each amendment in turn. I should like to have the Senate express itself on the amendments. If I may be permitted to do so, since my voice is growing weak, although I am willing to read from this report, I ask unanimous consent that the clerk be permitted to read it instead. What I desire to have read is not too long, but I am growing a little hoarse.

I should like to have the clerk read what is in the report to which I referred a moment ago, pertaining to my first amendment.

The VICE PRESIDENT. For the information of the Senate, the clerk will read the first amendment.

The LEGISLATIVE CLERK. On line 5, after the word "condemn", it is proposed to strike the period and insert the following:

For the following reasons:

1. The junior Senator from Wisconsin, while a member of the committee having jurisdiction over the affairs of the Lustron Company, a corporation financed by Government money, received $10,000 without rendering services of comparable value.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Arkansas.

Mr. FULBRIGHT. I thank the Chair.

Mr. President, I now ask unanimous consent that the clerk may be permitted to read pages 15 to 19 of the committee report to which I have referred, because it will be much easier for Senators to hear him. This is a special section entitled "Whether Under the Circumstances It Was Proper for Senator MCCARTHY To Receive $10,000 From the Lustron Corp."

The VICE PRESIDENT. Without objection, the clerk may read the report.

Mr. KNOWLAND. Mr. President, is that pages 15 to 19 or 15 to 90?

Mr. FULBRIGHT. Oh, no; it is only about three and a half pages. I marked the extent of it.

The quotation relates to one particular point. The clerk reads much better than I can read.

The legislative clerk read as follows:

WHETHER UNDER THE CIRCUMSTANCES IT WAS PROPER FOR SENATOR MCCARTHY TO RECEIVE $10,000 FROM THE LUSTRON CORP.

On September 28, 1951, Senator Benton, in his testimony before the Privileges and Elections Subcommittee in support of Senate Resolution 187, raised the question as to the propriety of Senator MCCARTHY's receiving a $10,000 fee from the Lustron Corporation of Columbus, Ohio, which was being financed by the Reconstruction Finance Corporation. (See Hearings, pp. 23–28.)

During the 80th Congress, Senator MCCARTHY was a member of the Banking and Currency Committee, which committee had jurisdiction over both the RFC and the Housing Agencies, as well as the Committee on Expenditures in the Executive Departments, which committee was also interested in some of the Lustron operations.

The Lustron prefabricated steel house, endorsed by various veterans and other organizations and sponsored by the Housing Agencies in accordance with the Veterans' Emergency Housing Act of 1946, was ultimately financed by the RFC, over its initial objection due to the fact that the private risk capital involved was negligible. A series of seven loans totaling $37,500,000 were made between June 30, 1947, and August 29, 1949.

The venture was a failure; RFC instituted foreclosure on February 14, 1950, and the loss to the Government will reportedly exceed $30 million. Incident to a subsequent inquiry by the Senate Subcommittee on RFC

it was devoloped that Lustron had been mismanaged; that frauds had been practiced upon it; and that excessive salaries were paid officials, such as E. Merl Young because of alleged influence. The payment of the $10,000 Lustron fee to Senator McCarthy was also referred to.

During the pertinent period of the Lustron operations, both Lustron and the RFC were particularly sensitive to the will of the Congress; Lustron because, aside from an initial relatively negligible investment, it was entirely financed by public funds; the RFC because its authority expired as of June 30, 1947, and the Congress was obliged to temporarily extend it for 1 year until further inquiry was completed, when the life of the RFC was extended, on June 30, 1948.

On January 14–15, 1948, the Senate Banking and Currency Committee, at Washington, hearings pursuant to its investigation of RFC operations under Senate Resolution 132, and its inquiry regarding Lustron, developed through Lustron president, Carl Strandlund, that he had been advised of his needs for congressional support of his venture (p. 351), and that he accordingly did see many Senators and Congressmen to present the merits of his project (p. 363).

Senator McCarthy, a sponsor of the resolution of July 1947 which created the Joint Committee on Housing, consisting of members of the Banking and Currency Committees of both the House and the Senate, took an active part, as vice chairman, in its nationwide hearings on housing conditions. Upon the completion of the housing inquiry on March 15, 1948, Senator McCarthy filed his own report reflecting his views on housing and related proposed legislation, and favored encouragement of mass produced homes. But particularly commended the Housing and Home Finance Administration and recommended that Administrator Foley's salary be increased.

Various amendments and additions to the Housing Act, after numerous proposals, substitutions, etc., some of which were sponsored by Senator McCarthy, were ultimately approved by the Senate and were incorporated into the related housing laws. Section 102 of Public Law 901 (August 10, 1948) authorized the RFC to make loans to prefab manufacturers, aggregating no more than $50 million. This provision gave the RFC additional funds and authority to make its third Lustron loans of $7 million on February 14, 1949, as well as the subsequent loans. The act also provided for an increase in the salary of the HHFA Administrator.

A few days subsequent to the enactment of the new Housing Act, Senator McCarthy contacted Administrator Foley to request his assistance for Miss Jean Kerr, of his office, who was working on a housing manuscript. The HHFA cooperated and assisted her in the compilation of data, etc., through December 1948. (See testimony of Walter Moore Royal, Jr., Special Assistant to the HHFA Director of Information, before the Privileges and Elections Subcommittee on May 16, 1952, pp. 293–320.) HHFA Administrator Foley, in a letter dated February 23, 1951, to Senator Maybank, chairman of the Senate Committee on Banking and Currency, outlined in detail the part played by his agency in the preparation of Senator McCarthy's housing booklet, their review and corrections of three separate drafts.

These subcommittee hearings of May 1952 developed that Senator McCarthy approached Strandlund during October of 1948, setting a price of $10,000 for his housing manuscript, which was "not in publishable form," and that Strandlund agreed to it without any prior consultation with his public relations or executive staff, or notification to the RFC, and at a time when Lustron had not completed its machinery and tooling installation, had a huge backlog of orders, and had completed only a few sample houses for demonstration purposes. (See testimony of Carl Strandlund, Lorenzo Semple, Thomas J. O'Sullivan, Maron J. Simon, and George E. McConley; pp. 76–86, 109, 141; 188–193; 194–195; 198–199; 205–206; 217–222; 273, 276–278, 280–281.)

Lustron's purchase of the housing article which Senator McCarthy unsuccessfully attempted to sell to other publishers the previous March and April, was attributed by him to the fact that Lustron gave him "the most favorable contract." (See Congressional Record, June 19, 1950, vol. 96, No. 120, pp. A4764–4771, wherein Senator McCarthy inserted the housing article, his correspondence with several publishers, and his version of the Lustron phase.)

To appreciate the urgency of the hasty negotiations with Lustron to obtain a $10,000 fee on November 12, 1948, it is essential that we consider Senator McCarthy's overextended debt position at the Appleton State Bank, which became quite desperate during September through November of 1948. Although the bank had notified him that it was essential that his total bank debt of $72,943.96 be reduced, or his collateral liquidated (see supporting letters, exhibits 49–50), Senator McCarthy did not use the Lustron fee for this purpose but bought stock with it which he pledged as additional collateral for the loan. The Lustron check for $10,000, dated November 12, 1948, issued to "Joseph R. McCarthy," was endorsed in blank over to Wayne, Hummer & Co., the Senator's broker (exhibit 55) to purchase additional stock of the Seaboard Airline Railroad.

It may or may not be significant that the Seaboard Airline Railroad was also financed by the RFC and at the time indebted to RFC in excess of $15 million. Our inquiry developed that during October of 1948, Senator McCarthy purchased 1,500 shares of Seaboard common stock at an average price of $22 per share; that this railroad had been in receivership since 1930, came out of reorganization in 1946 to be operated under a voting trust arrangement through April 1, 1951, and that the Lustron $10,000 fee was used to increase his Seaboard holdings to 1,950 shares. These holdings were pledged by Senator McCarthy to support his Appleton bank loans. While it is not known whether Senator McCarthy's information with respect to this stock had anything to do with his position as a United States Senator, it is interesting to note that Senator McCarthy suggested speculation in Seaboard stocks to others. (See letters dated December 16, 1948, and January 5, March 2, and March 10, 1949, annexed hereto as exhibits 58–59.)

Our inquiry developed information which reflected that at the time of Senator McCarthy's purchases of Seaboard stock it did not appear to an "outsider," or to the uninformed, to be either a good investment or speculation, particularly since no dividends had been declared since long prior to receivership in 1930, and, further, because the common stock was encumbered by the voting trust agreement.

Although the depreciation of the stock market had its consequent effect upon his pledged collateral, and Senator McCarthy was obliged to sell 250 shares of Seaboard in 1949 and 1950 at a loss, he resisted the bank's suggestion that the balance be liquidated, and on August 25, 1950 (exhibit 60), advised the Appleton State Bank that he had checked with some of the directors (not otherwise identified), who advised against the sale. Senator McCarthy held 1,700 shares until the RFC had disposed of its Seaboard holdings, and, on September 12, 1951, he sold 1,000 shares for a net profit of $35,614.75. After liquidating the bank debts of $45,214.40 and a $14,016.31 loan from G. J. Sensenbrenner, $1,346.16 was remitted to him. Pursuant to his request of October 3, 1951 (exhibit 61), the bank returned the remaining 700 shares of Seaboard to Senator McCarthy on October 5, 1951 (exhibit 62).

Seaboard was quoted recently on the New York Stock Exchange at $113.

The subcommittee extended to Senator McCarthy, on May 7, 1952, the opportunity to appear at the scheduled open hearings on Lustron for the purpose of presenting testimony relating to this specific charge, as to the Lustron fee. He ignored the invitation but in a sardonic letter dated May 11, 1952 (exhibit 21), he discussed the subcommittee's misfortune in being deprived of its "star witness." (The person referred to was Robert Byers, Columbus, Ohio, builder, who apparently just prior to the subcommittee's May 1952 hearings had a breakdown.) Senator McCarthy stated:

"If only you had set the hearings 10 days earlier before the judge committed your star witness to an institution for the criminally insane, you would not have been deprived of this important link in the chain of evidence."

It was this same Robert Byers who, under questioning by Senator McCarthy, at a Joint Committee on Housing hearing at Washington, D. C., on January 15, 1948 (the same day Carl Strandlund was testifying before the Senate Banking and Currency Committee as indicated above) recommended a thorough investigation of Lustron (p. 5, pp. 4912–4913, Joint Committee on Housing, 80th Cong.). Our inquiry failed to develop any indication that action was taken on Mr. Byers' recommendation. It was also the same Robert Byers who engaged Senator McCarthy on two separate occasions to appear at promotional dinners at Columbus, Ohio, for a fee of $500 and expenses in connection with the Byers housing project (see testimony of Clark Wideman, public relations counsel for the Byers firm, at subcommittee's hearing of May 15, 1952, pp. 258, 260–262). It would also appear to be the same Robert Byers to whom Senator McCarthy referred on page 5 of his individual report to the Joint Committee on Housing, as follows:

"The main outstanding example of what a builder of conventional houses can do was found in Columbus, Ohio, where very attractive veterans' houses are being built in sizable quantities to be sold at approximately $4,000."

From such facts the obvious questions which suggest themselves, particularly in the absence of any explanation from Senator McCarthy, are:

Are there other instances where Senator McCarthy received some consideration from persons or agencies that he was in a position to assist or hurt in his official position as a United States Senator?

How can Senator McCarthy justify acceptance of a $10,000 fee from Lustron, which, in effect, was a fee being paid out of public funds, at a time when Lustron's continued operations and financing depended entirely upon the RFC, and which agency, in turn, was dependent upon the Congress and, more particularly, the Banking and Currency Committee, of which he was a member, for its continued authority and operation?

Did Senator McCarthy take advantage of Lustron's sensitive position and its need for continued Government financing to induce its president, Carl Strandlund, to pay a fee, set by him at $10,000, for a manuscript which was neither finished nor in publishable form, without any prior consultation with Lustron's public relations or executive staff and without notification to the RFC?

Was there any connection between Senator McCarthy's recommendations for Government aid to prefab manufacturers and his subsequent contracts with Lustron, which culminated in his receiving $10,000 for the sale of his manuscript?

Was there any relationship between Senator McCarthy's position as a member of the Senate Banking and Currency Committee and his receipt of confidential information relating to the stock of the Seaboard Airlines

Railroad, which was indebted to the RFC for sums in excess of $15 million?

Does Senator McCARTHY consider that his requests for the active assistance of the HHFA in the preparation of a housing manuscript, which he intended to sell, after he had recommended legislation to increase the salary of its Administrator, to be ethical?

ORDER FOR RECESS UNTIL MONDAY

Mr. KNOWLAND. Mr. President, I ask unanimous consent that when the Senate completes its labors this afternoon, it stand in recess until 12 o'clock noon on Monday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE JUNIOR SENATOR FROM WISCONSIN

The Senate resumed the consideration of the resolution of censure (S. Res. 301) submitted by Mr. FLANDERS relative to the junior Senator from Wisconsin [Mr. McCARTHY].

Mr. DANIEL. Mr. President, I rise to discuss the nature of this proceeding and the principles of justice which should apply. I refer to the draft of Senate Resolution 301, introduced last evening by the Senator from Vermont [Mr. FLANDERS]. I do not refer to the amendments which have been offered by the Senator from Arkansas [Mr. FULBRIGHT], because I have not had occasion to study or consider them fully.

In this highly controversial matter, when one speaks even of the procedure to be followed, I recognize that he runs the risk of having his motive impugned and his sincerity questioned. There are those who aline themselves with the junior Senator from Wisconsin, who will infer that in speaking about procedure, the junior Senator from Texas wishes to duck or dodge the issue. And then on the other side, there are those who would judge the same words as a defense of the junior Senator from Wisconsin. They are intended as neither.

I direct my remarks to the fact that the Senate, here and now, is sitting in a quasi-judicial capacity, and that it is as important to apply the proper rules of procedure as it is to do anything else in connection with the consideration of the resolution.

Many persons have criticized the junior Senator from Wisconsin for the procedures he has followed in his committee. I feel certain that I would be more likely to criticize those procedures than anything else spoken of thus far in this debate. For that reason, I think it is doubly important that the Senate should apply the proper rules of procedure when it considers the charges of condemnation made against the junior Senator from Wisconsin. The Senate should set the right example for committees to follow.

As a lawyer and a prosecutor grounded in the principles of justice and fairness to the accused, whether he be guilty or innocent, I cannot sit in silence while there is the possibility that the Senate may act on a resolution of censure which neither specifies charges nor allows for the development of evidence in support of or in defense against the charges.

In this respect, I am in full agreement with the views as to procedure which were expressed last night by the senior Senator from Oregon [Mr. CORDON] and the junior Senator from Oregon [Mr. MORSE]. I congratulate them on their statements. There is little I can add except a documentation of some of the principles to which they referred from memory.

First, and most important, as I have indicated, this proceeding is judicial in nature, and the general standards of American justice should be applied as heretofore in similar proceedings.

A distinguished Senator said on the floor earlier today, as I understood him, that upon reflection last evening he questioned the theory of the Senators from Oregon that judicial principles and restraints must be followed in this proceeding, because, after all, the resolution may be considered simply as an expression of the sense of the Senate.

There is no basis whatsoever for such reasoning. If all that the Senate had under consideration were an expression of opinion or the sense of the Senate, the speech of the Senator from Vermont last evening and the whole proceeding would be in violation of Senate rule XIX, paragraph 2, which reads as follows:

> No Senator in debate shall, directly or indirectly, by any form of words impute to another Senator or to other Senators any conduct or motive unworthy or unbecoming a Senator.

Mr. President, what is the exception to that rule which permits speeches charging the junior Senator from Wisconsin with conduct and motives unbecoming a Senator? The speeches are entirely in order. The resolution is entirely in order. But why under this rule of the Senate? What is the exception to the rule?

The exception is due to a provision of our Constitution which authorizes the Senate to determine its rules and to punish its Members for misconduct. The second paragraph of section 5, article I, of the Constitution reads as follows:

> Each House may determine the rules of its proceedings, punish its Members for disorderly behavior, and, with the concurrence of two-thirds, expel a Member.

That is the only authority under which the Senate has the power to consider and act upon a resolution which would find a Senator's conduct to be unbecoming a Member of the Senate, and to censure and condemn him for such conduct.

Under the constitutional provision which I have just read, the resolution introduced by the Senator from Vermont [Mr. FLANDERS] would convict and punish the junior Senator from Wisconsin if adopted. Therefore, we are engaged in a proceeding of a judicial nature, one in which the standards of American justice should be applied in our procedure.

The word "censure" is defined in Webster's New International Dictionary as follows:

> Judgment, opinion, or sentence: To form or express a judgment in regard to.

A footnote under the word "censure" reads as follows:

> "Condemn" is a term of more judicial connotation, and implies the pronouncing of an adverse judgment.

The word "condemn" appears in the last phrase of the resolution, as follows: "and such conduct is hereby condemned."

We turn to the word "condemn" in the dictionary, and we find the following definition:

> To pronounce to be wrong; to declare the guilt of * * * to make manifest the faults of; to convict of guilt; to pronounce a judicial sentence against; to sentence to punishment; to pronounce or find guilty; to convict.

That is exactly what the pending resolution, or any other censure resolution, would carry with it. It would convict a Member of whatever he is charged with in the resolution, and it would punish him by condemning him.

Some persons may say that is not so much of a punishment, but, Mr. President, I know of not many greater punishments which a Member of this body could suffer than to be condemned for his conduct by his fellow Senators.

The pending resolution calls for what would amount to a trial if we were in court. Of course, we are not going to have the technicalities of a trial, but I point out to the Members of the Senate that, that insofar as a legislative body can sit as a court, that is exactly what we are doing when we, under the authority to punish our Members, sit in judgment on a Member of this body, and pass out a sentence, and punish him by our condemnation.

If any Member of the Senate doubts what I have said, I hope he will talk to those skilled in parliamentary procedure, or to any lawyer who has studied the question, because all precedents for censure come under this constitutional provision which says that the Senate may punish its Members for disorderly conduct.

In Haynes' The Senate of the United States, on page 186, we find the precedents for censure, and we find them under the heading, "Punishment for Disorderly Behavior."

In Hinds' Precedents we find first the case of Tillman and McLaurin, volume II, page 1140. We find the precedent listed under the heading, "Punishment of Members for Contempt."

Mr. President, in the Tillman-McLaurin case a committee of the Senate brought in a report which contained a sentence making it very clear that a resolution of censure is a conviction and a punishment. I should like to read from the majority report in the Tillman-McLaurin case of the Committee on Privileges and Elections, this sentence:

> The penalty of a censure by the Senate—

The penalty; not an expression of the sense of the Senate—

> in the nature of things, must vary in actual severity in proportion to the public sense of the gravity of the offense of which the offender has been adjudged guilty.

In that case the committee recommended that the two Senators be adjudged guilty, and condemned and censured in words similar to those in the

pending resolution, except that the present resolution lacks definite specifications.

We find the Bingham case, which has been cited previously, in volume VI of Cannon's Precedents, 1936, page 408, under the heading, "Punishment and Explusion of Members."

It is possible for legislative bodies to sit in a judicial capacity in certain instances, if so provided by our Constitution. We have a Supreme Court case which recognizes that principle, the case of *Kilbourn* v. *Thompson* (103 U. S. 168), page 189, in which the Supreme Court said:

> The Constitution declares that the judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish. If what we have said of the division of powers of the Government among the three departments be sound, this is equivalent to a declaration that no judicial power is vested in the Congress or either branch of it, save in the cases specifically enumerated to which we have referred.

The Court specifically referred to the exception provided in our Constitution authorizing each House to determine the qualifications of its Members and punish its Members for disorderly behavior. In this connection the Court said:

> As we have already said, the Constitution expressly empowers each House to punish its own Members for disorderly behavior. We see no reason to doubt that this punishment may in a proper case be imprisonment, and that it may be for refusal to obey some rule on that subject made by the House for the preservation of order.

The point is that the Court recognized that in this instance, as well as in impeachment and other similar instances provided by the Constitution, the Senate sits in a judicial capacity. The nature of this proceeding is judicial.

We find the same principle in Willoughby's discussion of the Constitution of the United States, volume 2, Willoughby on the Constitution, at page 1262. After explaining the doctrine of separation of powers and the exceptions thereto, Willoughby says:

> Thus, the legislatures are made the sole judges as to the constitutional qualifications of those claiming membership; they have the power of disciplining and expelling members; their members are in general not liable to arrest except for felony, treason, or breach of the peace, and they may not be held responsible in actions of slander or libel for words spoken or printed by them as Members.

Willoughby proceeds to show that in sitting in matters of this kind a legislative body sits in a judicial capacity.

Mr. President, in Cushing's Law and Practice of Legislative Assemblies, we find a similar discussion on page 258.

Cushing was of the opinion that a procedure of this kind is criminal in nature, not civil. He says:

> The criminal jurisdiction of a legislative assembly is much more extensive than the civil; embracing the misconduct or disorderly behavior of its own members, as well as misdemeanors and offenses committed by other persons. In both cases, the offense may be committed either against the assembly itself, or against its members individually.
>
> Members may be guilty of misconduct, either towards the assembly itself, towards one another, or towards strangers. Misconduct of members towards the assembly, besides being the same in general as may be committed by other persons, consists of any breaches of decorum or order, or of any disorderly conduct, disobedience to the rules of proceeding, neglect of attendance, etc.; or of any crime, misdemeanor, or misconduct, either civil, moral, or official, which, though not strictly an attack upon the house itself, is of such a nature as to render the individual a disgrace to the body of which he is a member. Misconduct of members towards one another consists of insulting remarks in debate, personal assaults, threats, challenges, etc., in reference to which besides the ordinary remedies at law or otherwise, the assembly interferes to protect the member, who is injured, insulted, or threatened. Offenses by members towards other persons, of which the assembly has cognizance, consists only of injurious and slanderous assertions, either in speech or by writing, which, as there is no other remedy, the assembly itself, if it thinks proper, takes cognizance of and punishes.
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> * * * * *
>
> The constitutions of the United States, and of almost all the States, contain provisions relating to the incidental powers of their legislative assemblies, which, although widely differing among themselves, in some cases, as to the number of powers enumerated, come clearly within the first two rules already mentioned in regard to the privileges of members, and do not, in any degree, change, either by enlarging or diminishing, the powers of jurisdiction recognized by the ordinary parliamentary law. The only changes, made by these provisions, relate to the kind, form, and duration of the punishments to be inflicted. It may be laid down, therefore, first, that every legislative assembly in the United States possesses all the powers of jurisdiction, in a judicial way, which are recognized by the common parliamentary law; and, second, that they possess authority to punish agreeably to the rules of that law, as modified by express constitutional or legal provision.

Mr. President, since a resolution of this nature, if adopted, would call for a conviction and a punishment, we must recognize that judicial standards of American jurisprudence should apply.

There are certain fundamental principles which must apply when a man is brought to the bar for trial and before he is convicted and punished. There are certain basic principles of justice, fairness, and due process. We have criticized the Senator from Wisconsin for not applying those fundamental principles in some of his procedures, and we should not forget them now that he stands accused before the Senate. It is ironical that many who have criticized the junior Senator from Wisconsin for not applying some of these fundamenal principles, are today supporting a resolution which fails to apply them when he is brought to the bar for a hearing in his case.

One of these fundamental principles is that the accused shall have specifications as to what he is being tried for. The sixth amendment of the Constitution clearly provides that in trials by the courts, the accused shall "be informed of the nature and cause of the accusation." Mr. President, it is fundamental in English and American law that the accused should have a bill of particulars or specifications, so he will know exactly of what he is being charged and of what he may be convicted.

The second fundamental principle of English and American law in cases of this kind is that a proper procedure should be provided for the evidence against the accused to be adduced, and for the accused to introduce evidence in defense of himself, if he cares to do so. The rights of the accused in proceedings of this nature are fully discussed in 14 American Jurisprudence. I believe most of the Members of this body are acquainted with them sufficiently, so that I shall not read them here. We know that in a court, those rules apply; and when a legislative body sits in a judicial capacity, at least those two fundamental rules, should apply, namely, there should be specifications—and there should be some forum—either this one or a committee—to hear the evidence.

Mr. President, those two fundamental principles and standards of English and American jurisprudence were applied in all the precedents we have in the case of censure resolutions or resolutions of condemnation which have been offered in the United States Senate against a Member of this body.

The first arose as a result of a fight between Senators Benton and Foote. We find that the matter went to a special committee for consideration. The committee did not report with a resolution, but the committee made some type of rebuke and warning, and hoped it would not go unheeded in the future. The important thing is that the Senate sent the matter to a committee, to have it hear the evidence and to report, in order that Senators Benton and Foote could present their evidence, under oath, and in order that all the facts could be brought back before the Senate.

In the Tillman and McLaurin case, as has already been pointed out, although the fight between those two Members from South Carolina occurred right on the floor of the Senate, the matter was sent to the Committee on Privileges and Elections—for consideration and recommendations. The committee brought back the censure resolution. It specifies what the Senators were charged with; and the Senate acted only after the evidence was heard in the committee and reported back to the Senate with recommendations.

Then we have the third case—the Bingham case, which has been discussed fully. In that case, a committee had already considered the action with which Senator Bingham was charged, and had reported to the Senate. The Senate then acted on the basis of that report and on the basis of the fact that the evidence in the case was uncontradicted and undisputed—as had been stated on the floor several times, as the Senator from Georgia will remember. For instance, Senator Norris said:

> No one has disputed the evidence. No one has contradicted the facts which were brought out.

They were brought out by the Judiciary Committee, which already had heard the case against Senator Bingham; and the resolution of censure was

specific as to the act for which he was condemned. As a matter of fact, it refers to what the committee reported as wrongful acts. In that case we find these two standards applied.

Those are the three precedents, Mr. President; the Benton-Foote case, the Tillman-McLaurin case, and the Bingham case. In all of them the Senate specified exactly what the Senators were charged with and provided for hearing evidence.

Mr. President, in my opinion, that is what we should do in this case. If we fail to do it, the action of the Senate will rise to haunt Members of the Senate in the future. We should never depart from the precedents and the principles of English and American justice and jurisprudence.

The resolution, as submitted last evening, does not specify with any particularity any of the conduct of which the junior Senator from Wisconsin would be found guilty and for which he would be punished. Neither does it provide for having brought before the Senate, under oath, evidence on which Senators might decide whether they find the junior Senator from Wisconsin guilty or innocent.

Mr. President, it matters not what was shown on television or what was printed in the newspapers or what was stated here on the floor of the Senate. Under English and American jurisprudence, if one sees a man on the street shoot down another in cold blood, or even if the judge of the court himself sees it, that does not convict the accused. Even in such a case the accused must be brought before the bar of justice, must have the charges against him specified, and must be given an opportunity to submit evidence if he cares to do so; and, of course, evidence must be adduced against him by the prosecuting authorities.

It may be that some committees have heard certain evidence in this matter. A moment ago I heard it stated that there is a possibility of that, insofar as one charge is concerned. I have not studied that matter fully. I am not sure whether in that case the committee ended by asking questions, or whether it reached a conclusion based upon the evidence. I do not know.

If one of our committees has already acted, if it has taken evidence under oath and has brought it to the Senate, after having provided ample opportunity for both sides to be heard, we have a precedent for the Senate to act in such cases. There is a committee which heard evidence concerning the conduct of the junior Senator from Wisconsin this year. The committee heard the evidence for several weeks, but the committee has not yet reported.

Mr. President, I say that in all fairness and in all justice, not only to the accused, but also to those of us who sit in judgment, the committee should have an opportunity to make its report, before we are called upon to pass on the resolution. If the Senate wishes to go into other matters, the resolution should be referred to the Judiciary Committee or to some other committee in order that evidence on the other matters may be heard before the Senate is called upon to perform its duty in this case. Above all, Mr. President, let us perform that duty in accordance with the principles and standards of American justice and fairness to the accused, be he guilty or be he innocent.

Mr. COOPER obtained the floor.

Mr. WELKER. Mr. President, will the Senator from Kentucky yield to me, to permit me to ask several questions of the distinguished Senator from Texas?

Mr. COOPER. I yield, if I may have unanimous consent to yield under those circumstances.

The PRESIDING OFFICER (Mr. BUSH in the chair). Without objection, it is so ordered.

Mr. WELKER. I thank the Senator from Kentucky.

Mr. President, will the Senator from Texas enlighten us about the principles of English and American justice? Has he found in the precedents before him anything in respect to limitation on actions and in respect to how far back it is permissible to go, in charging a person, so that—in this case—the Member concerned may be censured by the Senate?

Mr. DANIEL. No; I have not had occasion to look into that point.

Mr. WELKER. Under the American and English judicial system of criminal law, I am sure it is obvious to the Senator from Texas, who has been a great prosecutor and attorney general, that a limitation on action certainly is a bar to prosecution.

Mr. DANIEL. That is correct, in certain cases.

Mr. WELKER. Has the Senator from Texas found, in the course of his research, anything with respect to the fundamental right in criminal law that the accused is presumed to be innocent until found guilty beyond a reasonable doubt?

Mr. DANIEL. Oh, yes.

Mr. WELKER. And that that presumption goes with the accused until the matter is decided by a jury. Is that a correct statement?

Mr. DANIEL. Yes; and that is one of the fundamental principles—of course, it is so well known that I did not even mention it—namely, that the accused is presumed to be innocent until his guilt is established beyond a reasonable doubt and until he is found guilty.

Mr. WELKER. In fact, some persons say until his guilt is established to a moral certainty.

Mr. DANIEL. That is correct; and that is true even in the example I gave a moment ago, namely, when the judge or when bystander witnesses see a murder committed in cold blood. When the accused goes before the bar of justice, he is still presumed to be innocent until he is found guilty under the procedures we have established in our law.

Mr. WELKER. Does the Senator from Texas advocate or does he feel that some Senate committee should be assigned to hear sworn testimony upon these charges; or does he believe that the matter should be referred to the Subcommittee on Privileges and Elections, which sat from the spring of 1952 until the summer of that year, or to other committees which may have heard evidence in the case of charges against the accused?

Mr. DANIEL. I have no opinion as to which is the best committee for this resolution to go to. I do feel that we should not be called upon to vote on this resolution until at least the Government Operations Subcommittee, which has gone into some of the matters, has reported to the Senate.

Mr. WELKER. I thank my colleague from Texas.

Mr. FERGUSON. Mr. President, would the Senator yield for a question?

Mr. SALTONSTALL. Mr. President, would the Senator yield for a question?

The PRESIDING OFFICER. Would the Senator from Kentucky yield, without losing the floor?

Mr. COOPER. Yes.

Mr. FERGUSON. The Senator from Texas [Mr. DANIEL] has given a very able argument to the Senate. He cites a case where a court, for instance, a judge, could not take judicial notice. I wondered whether or not it would not be well to put in the RECORD a possible exception to that rule, for instance, contempt of court in the presence of the court, when the court is in session.

Mr. DANIEL. Yes.

Mr. FERGUSON. That would be an exception.

Mr. DANIEL. Yes, that would be an exception; and contempt by a Member here on the floor of the Senate would be an exception, as you will remember, in the Tillman-McLaurin case——

Mr. FERGUSON. That is what I am getting to.

Mr. DANIEL. Both Senators were held guilty of contempt for what the Senators saw right here on the floor before they sent a resolution to the committee to consider formal censure and condemnation of the Senators.

Mr. FERGUSON. Mr. President, will the Senator yield for another question?

Mr. DANIEL. Yes, I yield.

Mr. FERGUSON. To follow that just a little further, if a court, and it will be contempt of either a civil or criminal nature, decides that the contempt is outside of the hearing and the sight of the court, then it is necessary, is it not, that an order to show cause be issued specifying what the contempt is before the court can act?

Mr. DANIEL. That is correct.

Mr. FERGUSON. So that we have precedents in our judicial system for contempt, which are very similar to the constitutional provision here of disorderly behavior, do we not?

Mr. DANIEL. That is correct.

Mr. SALTONSTALL. Mr. President, will the Senator yield for one question?

Mr. DANIEL. I yield.

Mr. SALTONSTALL. I would like to ask a question. I very much appreciate the Senator's discourse and the way in which he presented his argument.

I would like to ask this question: Does the Senator draw any distinction between the censure or condemnation of a Senator for poor moral conduct as opposed to one whose conduct or action in and of itself may not be poor morally, but is such as may be against the public interest or public morals?

I was trying to bring out the distinction that was in the Bingham case, which seemed to me quite important for the Senate to consider in connection with this case.

Now the procedure may be the same, as the Senator says, but has the Senator, from his examination of these cases and from these facts, drawn any distinction between those two types of conduct?

Mr. DANIEL. I have not. I have not yet studied them with that question in mind.

Mr. SALTONSTALL. Well, from the point of view of the Senator on the floor of this body, there might well be an action by the Senator which in and of itself is a perfectly proper action, but publicly might be poor morally or against public conduct, and so on, as opposed to a personal kind of conduct which would be more in the nature of being against the man as an individual rather than his action being against the public whom he was serving; is there not a valid distinction between those two?

Mr. DANIEL. There might very well be.

PERMISSION TO RECEIVE MESSAGES FROM THE PRESIDENT AND TO REFER COMMUNICATIONS TO COMMITTEES

Mr. KNOWLAND. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized during the recess of the Senate to receive messages from the President of the United States and to refer such communications to the appropriate committees.

The PRESIDING OFFICER. Is there objection to the request of the Senator from California? The Chair hears none, and it is so ordered.

EXECUTIVE SESSION

Mr. KNOWLAND. Mr. President, will the Senator from Kentucky yield at this time, in order for us to consider the nominations on the Executive Calendar?

Mr. COOPER. I yield.

Mr. KNOWLAND. Mr. President, I move that the Senate proceed to the consideration of executive business, for consideration of the nominations on the Executive Calendar, except for the postmaster nominations of Thomas W. Robison, of Lecompte, La., and Harry H. Seylaz, of Lincroft, N. J.

The motion was agreed to; and the Senate proceeded to consider executive business.

The PRESIDING OFFICER. If there be no further reports of committees, the clerk will proceed to state the nominations on the Executive Calendar, with the exception of the two postmaster nominations specified by the majority leader.

POSTMASTERS

The Chief Clerk proceeded to read sundry nominations of postmasters.

Mr. KNOWLAND. Mr. President, with the exceptions I have noted, I ask unanimous consent that the postmaster nominations be confirmed en bloc.

The PRESIDING OFFICER. With the exceptions previously stated, the postmaster nominations are confirmed en bloc.

Mr. KNOWLAND. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The PRESIDING OFFICER. Without objection, the President will be notified forthwith.

MESSAGE FROM THE PRESIDENT— WITHDRAWAL OF NOMINATION

The PRESIDING OFFICER laid before the Senate a message from the President of the United States, withdrawing the nomination of Charles H. Grossman, of New Mexico, to be Director of Locomotive Inspection.

LEGISLATIVE SESSION

Mr. KNOWLAND. I move that the Senate resume the consideration of legislative business.

Mr. COOPER. Mr. President, when Senator FLANDERS introduced his motion several weeks ago to remove Senator MCCARTHY from his position as chairman of the Senate Committee on Government Operations, I was asked to state my position and I said publicly at the time that I would vote for the motion. At that time I was thinking of the substance of the motion and not of the procedure by which it would be considered in the Senate.

Last evening I heard with interest and respect the speech of the distinguished senior Senator from Oregon, Senator CORDON. He argued that the pending motion should state its charges and specifications and that adequate hearings in consideration should be given to the motion before a vote is taken in the Senate. It was a plea for the orderly procedures of government, and for due process and for fair treatment of any individual charged with wrongful conduct.

I listened with interest and respect to Senator CORDON because of my confidence in his complete honesty, sincerity, and devotion to legal and constitutional processes. He is one of the greatest lawyers, and in my view, one of the ablest and best men in this body. I listened to him because I believe in due processes, in the orderly conduct of government and in fair treatment of every individual charged with wrongful conduct.

I should say that I have listened with interest to the recent statement of the distinguished and able Senator from Texas [Mr. DANIEL].

I would have preferred to vote upon the original motion of Senator FLANDERS rather than the one of censure which is before us today, because the original motion presented to the Senate the direct issue of its responsibility for the conduct of its committees.

I speak with the knowledge that I do not have the experience in the Senate to present views of any great value upon the complex questions which attend this motion, such as the procedures, and organization of the Senate and the individual rights and responsibility of a Member of the Senate. Nevertheless, I speak today because I have stated my position on the substance of the motion and I want to state the reasons which have led me to support the motion. One of the reasons I do this is to inform those in my State who have written me about this matter. But beyond this, I have wanted to record my views because I believe basic questions are involved in the motion of Senator FLANDERS.

In the beginning, I should like to say that my vote on this question is not based on any personal attitude I hold toward the junior Senator from Wisconsin [Mr. MCCARTHY]. I have known him since we entered the Senate together in 1947. It happens that we have not served together on any committee and that we have not worked together on any matters during my short service in the Senate. In our association as Members of this body, the junior Senator from Wisconsin has been considerate and fair to me.

Neither do I base my support of this motion on any charges or particulars in the motion of censure not connected with his work as chairman of the Committee on Government Operations. My decision to support the motion relates solely to certain aspects of his conduct of investigations as chairman of the Committee on Government Operations.

I have never questioned the determined opposition of Senator MCCARTHY to the Communist movement. It is my opinion that at the time he began his investigations, laxness and a negligent attitude toward the danger of Communist subversion existed in some quarters of the Government of the United States. It has also been proven that some individuals in the Government were sympathizers and actors in the Communist conspiracy.

Moreover, it has been my observation that one direct consequence of his investigations has been to inform many of our people regarding Communist subversion within the United States. Statements to that effect have been questioned, but I repeat my observation has led me to the conclusion I have stated.

However, in my view, the fact that this result has come from the work of the committee does not avoid questions relating to the conduct of investigations, which the resolution of the Senator from Vermont brings in issue.

It seems to me that one issue is whether the standards of conduct followed by the junior Senator from Wisconsin meet those which the Senate must require of its committees if they are to be respected and their value preserved. Committees are but instrumentalities of the Congress.

A second question of great importance is whether his conduct of investigations has been in accord with the spirit of our fundamental law, in conformity with which they are authorized, and with the principles which give meaning to our system of free government.

I was very much interested last evening in the speech of the Senator from Illinois [Mr. DIRKSEN] which named a number of organizations which it was stated were interested in the adoption of this resolution. I can only say for myself that I have consulted with no groups, either for or against the resolution. The decision that each of us will make is a matter of personal judgment, and I may

say that I came to my judgment several months ago.

Last night I was extremely interested in the great speech that was made by the senior Senator from Oregon [Mr. CORDON] upon our system of law and our system of orderly government. I think I can say that in my whole life, in my service as a judge I tried to uphold the law, and in my service in the Senate, I have never voted for any motion or for any action which I thought was in contradiction of the spirit of the law or orderly government or of due process of law. If I have arrived at a conclusion to vote for this resolution, it is because of my convictions about orderly procedures and due process of law and the protection of the rights of individuals.

I shall vote for this resolution because of the convictions I have consistently held and expressed against the wrongful exercise of power by officers and members of the Government.

It is my view—and again, it is my personal view, as all our views must be—based on my observations and reading and attendance at times upon the hearings, that the junior Senator from Wisconsin, as chairman of the committee, has extended and at times abused his great powers. I do not believe any end or purpose, however valuable or desirable it may appear, justifies the abuse of governmental power.

All of us are familiar with the growing sentiment throughout the country that there is something wrong with the exercise of the investigatory powers of Congress. Congress is being pressed to regulate investigations and to control committees and committee members. Some have insisted that this can be done by the adoption of rules of procedures. Others assert that it is merely a problem of party discipline. Still others have stated that strong action ought to be taken by the executive branch of the Government.

Whatever validity may be found in these proposals, they emphasize a common point of interest. It is the belief that the investigatory power has been abused and that the rights of persons before committees have not been guarded. It is the conviction that abuses violate the letter and spirit of the American system of government.

From statements which have been made in the debate it would appear that the matter before us is a new one and only incidental to the question of procedure. If that be true, I ask why it is that adverse sentiment sweeps through the country and why pressure is put upon Congress to adopt rules and to assert party discipline and to have the Executive take action.

The investigatory power of Congress is of great value to the Nation. It does not belong to any particular committee or any particular committee member. The source of power lies in the Constitution itself. It is implied in the constitutional grant to the Congress of all legislative powers.

Congressional investigations have been undertaken by every Congress, including the first one, and with few exceptions the results have been good.

Because of its importance to Congress and the Nation, the courts have construed the power to be broad and extensive in its scope. A congressional committee can compel the presence of witnesses and the production of papers. It can enforce its own process. It can cite for contempt. It has been held that a legislative purpose will be presumed in authorizing a congressional investigation, and that the inquiry may be as broad as its legislative purpose requires.

These implied powers have been strengthened by congressional action. By the Legislative Reorganization Act of 1946, Congress, in effect, gave the 16 standing committees of the Senate general powers of investigation, without the requirement of further Senate approval.

If the investigating power of the Congress is to be of continuing value for the good of the Nation, it must have the confidence, the respect, and the support of the people. It cannot have that support if it abuses its powers. And if abuses cannot or will not be corrected in the committee, the ultimate responsibility lies with the Senate. For it is the power and the integrity of the Senate and the Congress which is being questioned.

I have not followed every investigation or hearing held by the subcommittee of the junior Senator from Wisconsin [Mr. MCCARTHY]. However, there have been several instances which have illustrated an assumption of power by him which I have believed wrongful and in conflict with our basic governmental principles. The first concerns itself with, what it seems to me to be, the insistent effort of the Senator from Wisconsin to invade the powers of the Executive. Admittedly, it is not always clear at what point the rights of an investigating committee end and those of the Executive begin, but in the many questions which have arisen heretofore between investigating committees and the executive branch throughout the years a mutual respect for the separation of powers has always intervened to avoid conflict. Yet for more than a year there have been continuing points of conflict as between the exercise of powers of the executive branch of the Government and the attempted exercise and assumption of power by the chairman of this committee.

There is one area in which the power of the President is quite clear, and that is the constitutional power to conduct the foreign relations of the United States. It is the President who deals with foreign powers and through them with foreign citizens. An example of the attempted invasion of this field by Senator MCCARTHY concerns the case of the Greek shipowners. In March 1953 Senator MCCARTHY announced that he had been carrying on negotiations with certain Greek shipowners of New York City. As a result, he had secured an agreement with the owners of over 200 merchant ships to stop all trade with Communist China, North Korea, and Russian Pacific ports. Senator MCCARTHY charged the Eisenhower administration with dismal failure in stopping this trade and claimed that he was carrying on negotiations with other Greek shipowners in London to reach the same sort of agreement.

But according to the State Department and the Foreign Operations Administration—I secure my facts simply from the newspapers and the reported statements of Government officials—they had a few weeks previously, after months of negotiations, reached an agreement with the Greek Government to ban the flow of strategic materials to Communist countries. The Greek officials had taken prompt action and, in deference to the Greek Government, the State Department had given no publicity to the achievement. It was reported that Senator MCCARTHY had been taken into the administration's confidence and had been informed of this pact between the Governments, but, nevertheless, he went his own way and entered into negotiations with citizens of a foreign country.

Whatever the facts may have been, and however effective the efforts of Senator MCCARTHY may have been, however good his purposes may have been, I cannot believe that it was the purpose of the Congress that one of its committee members shall assume power in the field of foreign relations. If such adventures are approved, the issue of responsibility for international action will be confused and the constitutional separation of powers between the executive and legislative branches undermined.

It is apparent to all of us that the President of the United States has been exceedingly respectful of the powers of the Congress. He has a difficult task, particularly so in the field of foreign relations and he cannot succeed if individual Members of the Congress insist that they have the power to invade his domain.

Let me cite one further illustration. Another more serious encroachment into the area of executive responsibility was revealed this year during the so-called Army-McCarthy hearings. At this time, Senator MCCARTHY stated that he had received classified military information from an Army intelligence officer. He further stated, "As far as I am concerned, I would like to notify the 2 million Federal employees that I feel it is their duty to give us any information which they have." This was an open invitation to violate the laws of the United States. Its result could be to substitute government by the individual for government by law.

In section 792 (d) of title 18 of the United States Code, it is provided that anyone who has lawfully received classified information relating to national security and turns it over to anyone not entitled to receive it commits a crime. In spite of this fact, and in spite of the obviously sound reasoning behind the law, Senator MCCARTHY has reiterated his invitation.

Mr. MORSE. Mr. President, will the Senator yield at this point for a question?

Mr. COOPER. I yield to the Senator from Oregon.

Mr. MORSE. I have not checked that particular statute. Does it also impose

any criminal liability upon the person receiving security information?

Mr. COOPER. I think it does. I will say to the Senator from Oregon that I have read the speech of Attorney General Herbert Brownell citing these facts. I cannot answer the question with specific detail, but I think the Senator's premise is correct.

Mr. MORSE. I do not know. I am seeking information. That is the common statutory form. It not only makes it a criminal offense on the part of those who commit an act of conspiracy or collusion, but also makes it a criminal act on the part of the party who receives the information.

Mr. COOPER. I think the Senator is correct.

This invitation is more than an encroachment into the area of executive responsibility; it is a direct challenge to the orderly processes of Government. Again I do not believe that it is the intention of the Congress and the Senate to give anyone of its committees or its members the color of authority to set himself above the law.

Mr. CAPEHART. Mr. President, will the Senator yield?

Mr. COOPER. I yield.

Mr. CAPEHART. Is there any law which prohibits Federal employees, including the 2 million to which the Senator refers, from giving to a committee information which is not classified?

Mr. COOPER. I do not know of any.

Mr. CAPEHART. Unless the information is classified, there is no law against giving such information.

Mr. COOPER. I think the Senator is correct.

Mr. CAPEHART. Was the junior Senator from Wisconsin talking about that, or was he talking about classified information?

Mr. COOPER. I am certain that the case which arose involved classified information.

Mr. CAPEHART. My question is, Does the Senator from Kentucky know of his own knowledge whether the junior Senator from Wisconsin was talking about classified or nonclassified information, or was it purely hearsay? As the Senator from Kentucky said a moment ago, that most of the information he is talking about was hearsay. Did the Senator read it in a newspaper?

Mr. COOPER. The junior Senator from Wisconsin said, "So far as I am concerned, I would like to notify the 2 million Federal employees that I feel it is their duty to give us any information which they have."

Mr. CAPEHART. Period.

Mr. COOPER. Yes.

Mr. CAPEHART. That was a newspaper article, was it not?

Mr. COOPER. The statement arose from the refusal of the Department of Justice to furnish information.

Mr. CAPEHART. It was published in the press, was it not?

Mr. COOPER. I have read from a statement made by the Attorney General, Herbert Brownell.

Mr. CAPEHART. Does the Senator know the position of the junior Senator from Wisconsin as to whether or not he made the statement?

Mr. COOPER. I did not personally hear him make it.

Mr. CAPEHART. Did the Senator from Kentucky read it in the press?

Mr. COOPER. I know the background from which the statement arose. It was a question of the use of classified material.

Mr. CAPEHART. Then it is hearsay information so far as the able Senator [Mr. COOPER] is concerned.

Mr. COOPER. Yes. Much of my information is hearsay, but it is hearsay which I read every day in the newspapers and from reliable sources.

It is difficult to define or point out exactly abuses of power. Isolated breaches might not be important. But, the junior Senator from Wisconsin has stated again and again that he intends to pursue a course of action as he sees fit and presumably the course of action which he has been following. In such a case, it seems to me that there is little that can happen in the future which will change the judgments that we now must have concerning his conduct of this committee.

Mr. MORSE. Mr. President, will the Senator from Kentucky yield for a question?

Mr. COOPER. I yield.

Mr. MORSE. Am I correct in my understanding it is the position of the Senator from Kentucky that even though a Senator sought from Government employees information which was not security information, nevertheless such an attempt to set himself up as an interferor with the operation of the executive department of government would be a course of conduct which would not be in the best traditions of the Senate?

Mr. COOPER. I agree with the Senator. The courts and the Congress have given to committees tremendous power. The committees have the power to subpena witnesses, to subpena papers, and to compel the production of papers. Such a procedure is the proper way to obtain evidence; either through compelling the attendance of witnesses or the production of papers.

Mr. MORSE. Mr. President, will the Senator yield for a further question?

Mr. COOPER. I yield.

Mr. MORSE. I seek only to understand the Senator's position. If his position is what I think it is, I am in agreement with it.

Is it the position of the Senator from Kentucky that if a Senator, be he chairman of a committee or not, should seek to set himself up as a receptacle for receiving from Government employees complaints and criticisms and alleged information of wrongdoing, such a course of conduct in and of itself would be bound to negatively affect morale in the Government service in the executive branch of Government; and such a course of action on the part of a Senator would not be in keeping with the best traditions of the Senate?

Mr. COOPER. I agree with the Senator.

It may be argued that the powers which are ordinarily applicable in congressional investigations are not effective in the case of investigation of communism in Government, and that legalistic and theoretical standards have no practical effect in dealing with the menace of communism.

I answer by saying that other committees of the Senate which have dealt with aspects of loyalty, and aspects of security, of Communist subversion, and of crime, have followed standards and have achieved successes which the Senate and the Nation have approved. I point out as examples of my statement the investigations conducted by the late and distinguished Senator from North Carolina, Senator Clyde Hoey; by the Senator from Tennessee [Mr. KEFAUVER]; by the Senator from Indiana [Mr. JENNER], as chairman of the Subcommittee on Internal Security; and the Senator from Iowa [Mr. HICKENLOOPER], as chairman of a subcommittee of the Committee on Foreign Relations. I can add, if the Senator from Indiana will permit me to do so, the FHA investigation presently being conducted by the distinguished Senator from Indiana [Mr. CAPEHART].

Both the junior Senator from Wisconsin and the Senator from Iowa [Mr. HICKENLOOPER] investigated the United States information program. And as arbiter of the work done by the two groups, there is the distinguished United States Advisory Commission for Information; composed of Erwin Canham, editor of the Christian Science Monitor; Philip D. Reed, chairman of the board of the General Electric Co.; Ben Hibbs, editor of the Saturday Evening Post; and Justin Miller, chairman of the board of the National Association of Radio and TV Broadcasters.

This group reported on February 3, 1954, that the kind of investigation conducted by the junior Senator from Wisconsin had crippled the country's global information program. Referring to the inquiry of the junior Senator from Wisconsin, the Commission said:

> The wide and unfavorable publicity that resulted from one of the congressional investigations gave the agency such a bad name that professionally competent persons were reluctant to accept employment in it.

Some of these investigations, the Commission said, have produced unfavorable impressions abroad on the very persons to whom the program is directed.

On the other hand, the Commission found that a Senate Foreign Relations Subcommittee, headed by the Senator from Iowa [Mr. HICKENLOOPER], had rendered thoroughly and extremely constructive service in revealing both the strength and weaknesses of the information program.

A second reason which impels me to vote for this motion grows from my belief that it is a responsibility of those who compose the Government to uphold in every possible way the rights of individuals under law and their integrity and freedom. It is certainly a responsibility of those who represent the people to set the example for these high purposes. In this respect I believe the junior Senator from Wisconsin has not met the responsibiilties of his powerful position.

Mr. WELKER. Mr. President, will the Senator yield for a question?

Mr. COOPER. I yield.

Mr. WELKER. I wonder if my distinguished friend and colleague could help me by drawing a line as to how far a Senator should go, not only in the investigatory field, but also when he speaks in the Senate to the American people, through the CONGRESSIONAL RECORD, and discusses matters which pertain to the very future of our country?

I think the Senator will admit that he and I have heard it said upon the floor of the Senate that the present President of the United States was in effect a despicable character; that he had misled—which means "lied to"—the American people; that he was a man who wanted to hurt the poor people; and things of that sort.

I suppose that is legitimate debate; but I am wondering if the Senator from Kentucky can tell me just how far this so-called code of ethics should go? Where is the stopping place?

If the Senator will allow me a further comment, I remember in the days of ex-President Truman when there was a demand from the floor of the Senate, in loud and unruly language, that he be impeached, that he be thrown out of office for his actions while doing what I am sure he thought was best for his country.

I have heard other Senators say ex-President Truman was nothing but a "little ham actor" and things of that sort.

Where is the invisible line we are supposed to follow in our conduct while representing the people of the United States?

Mr. COOPER. I have said on many occasions that I opposed and I did not like the conduct of investigations by Senator MCCARTHY, but in all the controversy which has taken place about the junior Senator from Wisconsin during the last 2 years, I have never made a denunciatory statement about him, nor have I made a statement about him as an individual.

One of the reasons I would not do so—and I do not say this politically, but because I believe it—is that in the last 20 years there has developed in this country the practice of denunciation of people who did not happen to agree with the views of those who are in power. That atmosphere, of denunciation has in my opinion contributed to some of the difficulties we are now having with respect to this committee.

I will say further, that when I read the numerous letters I receive upon this subject, it is always surprising to me that many of those who oppose bitterly Senator MCCARTHY call for the same tactics for which they critize him. They demand the extra legal action that they charge him with practicing.

These are some of the factors which have led me to avoid the business of denunciation.

However, in the conduct of his investigations the junior Senator from Wisconsin has, in my view, first abused his powers; and, second, he has in my judgment, been heedless and reckless of the rights of individuals.

Mr. WELKER. Mr. President, will the Senator further yield?

Mr. COOPER. I yield.

Mr. WELKER. I am afraid the Senator misunderstood my question. I wanted to ask my distinguished friend how far we as Senators can go in debate in this Senate? Can we denounce the President? Can we call him a fraud and a man who has misled the American people?

I have heard charges made here that the junior Senator from Wisconsin in this matter has been unjust toward certain people, some famous people and some not so famous.

Suppose, for the purpose of this question only, I should say that the Secretary of State was dishonest and was a traitor to his country? Would I not then be subject to the same penalties and provisions of this proposed censureship rule?

Mr. COOPER. I am not so certain about that. It is my view in the expression of opinions by any Senator on the floor of the Senate, it is a matter of the Senator's own responsibility and judgment as to what criticism he makes of the executive branch of the Government. If in the expression of his views he made statements which were clearly untrue, and known by him to be untrue, I am certain the Senate could take such action it deemed proper. I think there is and should be wide latitude in the expression of opinions in debate on the Senate floor.

I am not talking about that kind of situation. I am talking about a situation where the Senate has entrusted to one of its Members a tremendous power, which, in reality is the Senate's power. It seems to me there then is a great responsibility upon those entrusted with that power to exercise it properly.

Mr. WELKER. Mr. President, will the Senator yield for one further question?

Mr. COOPER. I yield.

Mr. WELKER. I think I observed when I came in the Chamber that the Senator was discussing the matter of receiving secret documents or encouraging people to give information.

Mr. COOPER. Yes, sir.

Mr. WELKER. I am wondering what the Senator would do and what the American people would do should they discover that a known spy, such as Harry Dexter White, was in the Government, that he wanted to mislead the employees who worked under him, and so would stamp certain documents top secret, which would keep the information they contained from ever being divulged. Would the Senator say that the conduct of another Senator, whether the junior Senator from Wisconsin [Mr. MCCARTHY], the Senator from Indiana [Mr. JENNER], the senior Senator from Indiana [Mr. CAPEHART], the Senator from Idaho, or any other Senator, would be guilty of a great tort in the event he exposed that situation and sought to save his country?

Mr. COOPER. Again, the Senator has not referred to the case about which I was speaking. I am speaking of the statement of the junior Senator from Wisconsin in which he is reported to have called upon 2 million employees of the executive branch of the Government to turn over to him any information which they had.

Mr. WELKER. If the Senator from Kentucky will allow me, I should like to ask if he assumes the employees would do that unless they believed in their own hearts that treason or sabotage or espionage was being perpetrated by their superiors?

Mr. COOPER. I would say that if the employees followed the request of the junior Senator from Wisconsin, they could turn over to him anything that they thought was important from their own viewpoint. It might be information about some other employee of the Government. It could be any kind of information.

Mr. CAPEHART. Mr. President, will the Senator yield?

Mr. COOPER. I yield to the Senator from Indiana.

Mr. CAPEHART. I have before me Public Law 601, 79th Congress. Under "Standing Committees of the Senate," on page 6, appears the Committee on Expenditures in the Executive Departments, which is the committee of which the junior Senator from Wisconsin is the chairman. Among its duties are the following, and I should like to read them:

(g) (1) Committee on Expenditures in the Executive Departments, to consist of 13 Senators, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

(A) Budget and accounting measures, other than appropriations.

(B) Reorganizations in the executive branch of the Government.

(2) Such committee shall have the duty of—

(A) receiving and examining reports of the Comptroller General of the United States and of submitting such recommendations to the Senate as it deems necessary or desirable in connection with the subject matter of such reports.

This is the important one:

(B) studying the operation of Government activities at all levels with a view to determining its economy and efficiency,

(C) evaluating the effects of laws enacted to reorganize the legislative and executive branches of the Government,

(D) studying intergovernmental relationships between the United States and the States and municipalities, and between the United States and international organizations of which the United States is a member.

It states "Government activities at all levels."

The question which concerns me in that respect, as chairman of a committee, is how a committee is going to get information and make a study of such matters. For instance, the committee of which I am chairman is studying at the moment scandals in the FHA. How can a committee obtain the information it needs unless it is obtained from FHA employees and FHA officials? In other words, if the President of the United States has the right to say to every FHA official and employee, "You cannot, or you dare not, give any information to a committee," how is that information to be obtained? Is it not just as dangerous to give the President the authority to say that about 2½ million employees of the Government shall give the Senate no information as it is for a chairman of a

committee to insist upon employees giving the committee secret information? I certainly am opposed to Federal employees giving secret information to anybody other than those authorized to receive it.

The question that comes to my mind arises because of the newspaper report which was referred to, and which I read also, and I think every other Member of the Senate probably read. The report had to do with secret information or information concerning governmental operations. The committee of which the junior Senator from Wisconsin is the chairman has the authority to investigate and the responsibility of investigating all governmental organizations or departments at every level.

I remember that I was on the committee on committees of my party, and I suppose I still am, when the junior Senator from Wisconsin was placed on that committee. I remember that the junior Senator from Wisconsin objected to becoming a member of that committee. He did not want to go on it. The committee was considered a minor one, and he objected very strenuously. Perhaps some of the Senators present may remember how strenuously the junior Senator from Wisconsin objected to going on that committee. In fact, he came to the committee on committees at the time and said he opposed it. He said he did not like the idea of being on that committee.

Mr. WILEY. Mr. President, if the Senator will yield, I should like to ask him if he is referring to the junior Senator from Wisconsin?

Mr. CAPEHART. I am referring to the junior Senator from Wisconsin.

The question is where the line should be drawn, and what is the point beyond which Government employees should not give Congress information.

Mr. COOPER. The Senator from Indiana asked me if the statement of the junior Senator from Wisconsin referred to classified information. I should like to answer that it certainly did.

Mr. CAPEHART. The best information of the Senator from Kentucky is that the junior Senator from Wisconsin was talking about classified information?

Mr. COOPER. Yes.

The second question asked me was where the line should be drawn. There is no way whereby anyone can draw a line. There is involved a general power of Congress to investigate. There are certain areas reserved to the Executive by the Constitution which Congress cannot invade. The conflict over the powers of the legislative and executive branches of Government has been going on for years. The point I make is that, with respect to the present conflict, it is not being solved by moderation or adjustments, but the Senator from Wisconsin has taken to himself the power to decide questions of the separation of powers for himself.

I recognize that investigations raise the ancient dilemma of balancing the rights of individuals and the national interests. It is true that in the case of the most circumspect committee there is no way to avoid inadvertent harm to an individual. As it is in the courts, the act of calling a person before a committee exploring subversive activities may place him under a cloud, though he may be free of fault. There is no way that this can be avoided. But in hearings before committees, there is a wider latitude for harm because they cannot be surrounded by the safeguards and procedures of a court.

Mr. MORSE. Mr. President, will the Senator yield for a question?

Mr. COOPER. I yield to the Senator from Oregon.

Mr. MORSE. I should like to go back at this point to the procedure that is followed by a Senator or a chairman of a committee in getting information from a Government employee. Is it the understanding of the Senator from Kentucky, as it is mine, that the junior Senator from Wisconsin sought to get classified information from Government employees?

Mr. COOPER. My recollection is that the junior Senator from Wisconsin had received classified information from an officer of the Army, and the question was raised about that. The Attorney General issued a statement in which he said:

> The executive branch of the Government has the sole and fundamental responsibility, under the Constitution, for the enforcement of our laws and Presidential orders. They include those to protect the security of our Nation which were carefully drawn for this purpose. That responsibility cannot be acquired by any individual who may seek to set himself above the laws of our land or to override the orders of the President of the United States to Federal employees in the executive branch of the Government.

Either before that time or after that time the junior Senator from Wisconsin made the statement that he felt it was the duty of 2 million Federal employees to give his committee any information the committee requested.

Mr. MORSE. My next question is this: Am I correct in my understanding that the Senator from Kentucky takes the position that every committee of the Senate now has procedural power, by way of invitation, or, if unaccepted, by way of subpena, to call before it Government employees for such information as they are free to give, subject, of course, to the separation of powers doctrines and the rights relative thereto vested in the President of the United States? Is that the position of the Senator from Kentucky?

Mr. COOPER. The Senator from Oregon is correct. In case after case the courts have held that congressional committees have the broadest power to compel the attendance of witnesses or papers. Further, the Congressional Reorganization Act, which always is referred to as a model, specifically gives our standing committees these powers.

Mr. MORSE. Mr. President, will the Senator from Kentucky yield for a further question?

Mr. COOPER. I yield.

Mr. MORSE. Then does the Senator from Kentucky agree with me that when we consider the Reorganization Act and the language which has been read by the Senator from Indiana [Mr. CAPEHART], which gives to the Senate Committee on Government Operations—now the so-called McCarthy committee—jurisdiction to investigate the operation of Government activities at all levels, it means, of course, subject to the limitation of the inherent rights of the Congress and the inherent rights of the Executive under the separation-of-powers doctrine?

Mr. COOPER. Of course, every member of the Government is bound by the Constitution and the laws, just as much as is a private individual. In fact, I think in that respect there is a greater responsibility upon those of us who serve in the Congress, because we make law, we set standards.

Mr. MORSE. Then, is it the understanding of the Senator from Kentucky that all the Attorney General sought to point out in the section of his speech which the Senator from Kentucky has read is that the executive branch of the Government, under this administration, intends to exercise its rights under the separation-of-powers doctrine, and intends to resist any attempt on the part of any congressional committee to encroach upon the executive powers of the President?

Mr. COOPER. That is correct.

Mr. President, I should like to conclude. I shall proceed for 1 or 2 minutes longer.

I desire to make clear that congressional committees have broad power to investigate the executive branch of the Government. Some persons seem to think congressional committees do not have such power. However, Mr. President, they have the widest power. But, at some point, there is a line where the constitutional powers of the Executive obtain; and beyond that point we cannot go.

It is not always easy to define an abuse of the rights of an individual. In some cases the letter of the law is not violated although the spirit of the law may be. But if over a period of time denunciations of individual attitudes and language which evidence a heedless disregard of the rights of individuals who appear before a committee—whether they be guilty or innocent—continue, then it seems to me that the great principle of justice under law must deteriorate and weaken.

Everyone who has been a lawyer and who is familiar with the courts knows that a good judge observes strictly the letter of the law and the spirit of the law in his conduct, his attitude, and his expression. Similarly, we know that a judge who is not a good judge can, by his attitudes and conduct, create an atmosphere difficult for those who are in his court. It may be argued again that in this case the fight is against communism, and that ordinary methods and standards will not work. At this time, I refer to a statement of the junior Senator from Wisconsin, which I have read from time to time. I have read that he has said that strong means are required in Communist investigations. I am certain that vigorous methods are required; and I am certain that there are some persons who are fitted to do this work, and others who are not. I myself would not be, as others would be. But I make the point that there is no valid argu-

ment for the use of unauthorized power; it is the old plea of emergency as reason for power. It is the old excuse for heedless treatment of the rights of individuals. As we look back over the past 20 years, we remember the cry of "emergency." It was used as an excuse for the court-packing scheme, and for the expulsion of American citizens from their homes on the Pacific coast during World War II. It was the basis of the proposal in 1945 that the Government draft into the Army striking workers; and, not long ago, it was the basis of the proposal to seize the steel mills, under a claim of inherent power.

Another unfortunate aspect of the past which I have mentioned was the practice of denunciation, the practice of charging impure motives, against those in opposition to those currently in power. It is ironic that some of those who today protest so bitterly, and I think with reason, against the action of the junior Senator from Wisconsin, in his investigations at other times advocated expedients and denounced those who disagreed with them.

There can be no doubt that our country and our liberties are threatened by aggressive communism. There can be no doubt that we must oppose it, and we must make its purpose clear, so that we may prevent subversion in our Nation. In order to do that, the people of the United States are making great sacrifices now to assure their security and freedom. In this connection the congressional investigating committees have a great and a rightful place. But if it is argued that security can only be assured by exceeding the powers of the Government—in this case the legislative branch and its arms—its committees, then our fight has no meaning, and it may be foredoomed.

Mr. President, in this connection I quote the well-known words of Justice Davis, in the famous case of ex parte Milligan:

> The Constitution of the United States is a law for rulers and people, equally in war and in peace, and covers with the shield of its protection all classes of men at all times and under all circumstances. No doctrine involving more pernicious consequences was ever invented by the wit of man than that any of its provisions can be suspended during any of the great exigencies of government. Such a doctrine leads directly to anarchy or despotism. But the theory of necessity on which it is based is false, for the Government within the Constitution has all the powers granted to it which are necessary to preserve its existence.

Mr. President, I am sure it is of the greatest importance to the maintenance of our free system of government and its triumph over communism, that the spirit and form of our free system shall not be compromised or lost in any respect. Certainly this is a responsibility of every branch of the Government and of every committee of the Congress and of every officer and representative of the people.

I am indeed sorry we are called upon to act on this resolution. But we are not responsible for the fact that we are called upon to act. I do not consider that the vote which I shall cast in favor of adoption of the resolution will be cast against due process or orderly procedure.

Sometime ago I decided that I would vote in favor of the resolution, because I believe in orderly procedure in government—the rightful exercise of power, the due process of law, and the rights of individuals under the law. Although procedures are important, the substantive rights of which I have spoken, are, in my view, the rights which are at issue before the Senate today.

Mr. SMITH of New Jersey. Mr. President, will the Senator from Kentucky yield for a question?

Mr. COOPER. I yield.

Mr. SMITH of New Jersey. Does the Senator from Kentucky agree with me that the protections which are being urged here, as protections of the junior Senator from Wisconsin in connection with the procedure in the Senate, are exactly the same as the protections we are criticizing the junior Senator from Wisconsin for not observing in his investigatory procedures at the hearings?

Mr. COOPER. That is my view. I think they should be available to him as well as to all who appear before congressional committees.

I think the Senate has the right to say that we are now in the forum in which to have discussion, in which to make specifications, and in which to reach a decision. That will be decided as the debate proceeds.

Mr. MORSE. Mr. President, I ask unanimous consent to be allowed to file with the clerk of the Senate not later than midnight tonight certain amendments to Senate Resolution 301.

The PRESIDING OFFICER. Is there objection?

Mr. KNOWLAND. So that they will be printed and lie upon the table?

Mr. MORSE. So that they will be printed and be available Monday morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MORSE. Mr. President, if the Senator will permit me to make one other statement, I wish to say that I will be free on Monday, of course, to modify them, depending upon the debate in the Senate today. I have been working on this matter all day and have not heard much of the debate. I will read the RECORD tomorrow.

In closing, let me say that stories to the contrary notwithstanding, it is not the position of the Senator from Oregon that action on the issue before the Senate should be postponed until sometime next session. I am for taking action before this session adjourns, but I am for taking action on the basis of a resolution that sets forth specific charges.

While I am on my feet, I ask unanimous consent to have printed in the RECORD certain communications showing a cross-country reaction to the fight some of us made against the atomic energy bill.

The PRESIDING OFFICER. Without objection it is so ordered.

[The communications referred to appear in the RECORD under an appropriate heading.]

SOVIETS ARE PREPARING DICTIONARIES IN 80 LANGUAGES

Mr. WILEY. Mr. President, I have received a message from Mr. Mortimer Graves, executive director of the American Council of Learned Societies, pointing out that, according to a Pravda item, the Soviet Union is producing dictionaries in 80 languages. Some of those languages are native to various sections of the U. S. S. R. Most of them are completely outside the Iron and Bamboo Curtains.

The Pravda item gives food for thought to every friend of freedom who is concerned about our winning the battle for men's minds. If we who are producing dictionaries for but a few languages cannot even communicate with foreign peoples because of the language barrier, how can we get across to them the message of freedom? How can we antidote Soviet lies and rot?

We had better start applying ourselves in the direction of communication with foreign peoples—communication by the printed word, by the still photograph, by the motion picture, by the television screen, by the radio broadcast.

I send to the desk the text of Mr. Graves' letter and ask unanimous consent that it be printed at this point in the body of the CONGRESSIONAL RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

AMERICAN COUNCIL OF LEARNED SOCIETIES,
Washington, D. C., July 4, 1954.

DEAR FELLOW CITIZEN: We think you need to know that the Soviets are not only producing atomic and hydrogen bombs; they are producing dictionaries in 80 languages; they know that it is a war for men's minds. Here is their list: Adygei, Afghan (Pashto), Albanian, Amharic, Arabic, Avar, Bashkir, Belorussian, Bengali, Bulgarian, Buryat-Mongol, Burmese, Chinese, Chukot, Chuvash, Czech, Danish, Dutch, English, Erzyan, Eskimo, Even (Lamut), Evenki, Finnish, French, German, Greek, Gujarati Gypsy, Hindi, Hungarian, Indonesian (Malay), Italian, Japanese, Kabardin, Karakalpak, Kazakh, Khakass, Khanti, Komi, Korean, Koryak (Nymylan), Kurdish, Lamut (Even), Latin, Lithuanian, Malay (Indonesian), Mansi, Marathi, Marii, Mokshan, Moldavian, Mongolian, Nenets (Samoyed), Norwegian, Nymylan (Koryak), Oirot, Ossetian, Pashto (Afghan), Persian, Polish, Portuguese, Punjabi, Rumanian, Samoyed (Nenets), Serbocroatian, Siamese (Thai), Spanish, Swahili, Swedish, Tadjik, Tamil, Telegu, Thai (Siamese), Tibetan, Turkish, Turkmenian, Tuvinian, Udmurt, Uigur, Ukrainian, Urdu, Uzbek, Vietnamese, Yakut, Zulu, and many others, according to the statement, believed to be fairly accurate, on page 3 of Pravda, April 29, 1954, as translated for you by the Current Digest of the Soviet Press [May 12], published each week by the joint committee on slavic studies appointed by the American Council of Learned Societies and the Social Science Research Council.

All 80 cost less than 1 round-trip bomber. We are making dictionaries, too—three of them so far—and we'll start the fourth when we can find the money for it.

Sincerely yours,

MORTIMER GRAVES,
Executive Director.

(American Philosophical Society, 1743; American Academy of Arts and Sciences, 1780; American Antiquarian Society, 1812; American Oriental Society, 1842; American

Numismatic Society, 1858; American Philological Association, 1869; Archaeological Institute of America, 1879; Society of Biblical Literature and Exegesis, 1880; Modern Language Association of America, 1883; American Historical Association, 1884; American Economic Association, 1885; American Folklore Society, 1888; American Philosophical Association, 1900; American Anthropological Association, 1902; American Political Science Association, 1903; Bibliographical Society of America, 1904; Association of American Geographers, 1904; American Sociological Society, 1905; College Art Association of America, 1911; History of Science Society, 1924; Linguistic Society of America, 1924; Mediaeval Academy of America, 1925; American Musicological Society, 1934; American Society for Aesthetics, 1942.)

THE FEDERAL AIRPORT PROGRAM

Mr. KUCHEL. Mr. President, will the Senator yield?

Mr. KNOWLAND. I yield.

Mr. KUCHEL. I had prepared a statement on the third supplemental appropriation bill which I intended to read. But in the interest of time I ask permission that it be printed in the body of the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR KUCHEL

THE FEDERAL AIRPORT PROGRAM

The President's request, while short of nationwide civil airport needs, would permit the most urgent projects to proceed and would serve as recognition of Federal responsibility in this field. The President in his letter of transmittal to the House Appropriations Committee said:

"Pending a reappraisal of the appropriate Federal role in airport construction, no new program funds were appropriated in fiscal 1954 or requested in the 1955 budget. As a result of a review by the Department of Commerce it has been decided to continue Federal participation with State and local governments in such airport construction projects as will clearly serve the national interest in air safety and the movement of air traffic."

The junior Senator from California supports the President in this request and commends the administration for its vision and recognition of the needs of what may truly be called the air age. That this is so is shown by the fact that within the past 2 months major airlines in the United States have inaugurated service that brings California within 8 flying hours of the Nation's Capital. This achievement is all the more astounding to one from a State which abounds in tales of hardship and travail by those who traveled to the Golden West to settle and pioneer in that State.

More than 1,500 communities in the United States have provided local tax dollars to match Federal airport funds since 1946. Nearly 5 percent of them are in California. All have signed splendid sponsors assurances and agreements with the Federal Government to operate their public airports with essential facilities for every class of aeronautical user, on fair and reasonable terms and without unjust discrimination. A very large majority of these airport operators have secured a small amount of Federal aid on one or more of the projects which are part of an overall master plan for this Nation's airport development. They had expected other projects to follow over 3 to 5 years, while the master plan was being completed with Federal aid. However, all Federal aid was cut off on June 30, 1953, leaving airport sponsors alarmed and seriously concerned about operational, developmental, and related airport problems. Considerable time was required by prospective airport sponsors to establish the legislation which would enable them to acquire local matching funds. Some municipalities, in good faith and in anticipation of a continuing Federal-local partnership, floated bond issues for airport development. Those cities have been forced to curtail airport improvements because Federal funds were not available. Some, like San Francisco, have even had to pay interest on money which was not being put to use because of the unavailability of Federal matching dollars which were reasonably anticipated.

Cities own and operate the major airports of the Nation. In my own State of California, there are over 50 municipal airports. They were the chief sponsors of the Federal Airport Act of 1946. While it is true that airports are a public benefit to the cities they serve, it is also equally true that their major benefit is to the Nation. Airports are vital to national defense and to the progress of our country. We are fond of saying that this country affords the greatest mobility to its citizens, of any country in the history of the world. Since the pace of the Nation is geared to transportation, and since we are living in the "air age," it is essential that we do not retard further, the program of developing the Nation's airports.

A national system of airports is required for the national defense, business convenience, and public safety. The present system of airports has been built, maintained, and operated primarily by a joint Federal-municipal cooperation. The cutoff of Federal funds last June threatened this development with strangulation. Well-qualified representatives of the Nation's airport system have testified to the fact that since this cutoff there has been an alarming drop in the development of plans for new and improved airports. We cannot allow this to continue.

At a time when we are authorizing $875 million for highway transportation annually we cannot continue to neglect our national airport system. The partnership must continue if we are to have adequate airports. It cannot be dissolved because one of the partners fails to make a financial contribution to it. If the partnership is dissolved, then the national system of airports is in danger of dissolution.

Mr. President, a great American President, John Quincy Adams, in his first message to the Congress of the United States said:

"No government, in whatever forms constituted, can accomplish the lawful ends of its institution but in proportion as it improves the condition over whom it is established. Roads and canals, by multiplying and facilitating the communications and intercourse between distant regions and multitudes of men, are among the most important means of improvement."

Who can doubt that President Adams would have included airports in that splendid description of the purpose of government, had the airplane been known to his day? What was true for roads and canals in President Adams' day is true for airports in President Eisenhower's day. Instead of roads and canals we need to think of air transportation—to meet the needs of the atomic age. It is essential, in the national interest, that we have a system of airports in order to haul startegic goods and manpower. A national system of airports is needed. It is a field in which the Federal Government has a legitimate, paramount interest. Airports will not be built, as the statistics of the past year show, unless the Federal Government fulfills its share of the responsibility. President Eisenhower has requested that we fulfill that responsibility by appropriating no less than $22 million for the next fiscal year. I support that request and stand ready to vote in favor of the President's supplemental budget item.

I beg leave to extend in the RECORD a report of the airport panel of the Transportation Council of the Department of Commerce. Earlier this year this distinguished study group, appointed by the administration, came up with 15 major recommendations. I should like to make them a part of the RECORD and to read to my colleagues the major finding which the panel made after taking a new look at the national-airport program:

"The studies undertaken by the panel have revealed that States and municipalities and other local political units alone are unable to carry the capital-investment burden involved in providing an adequate system of national airports. Therefore, it is the unanimous opinion of the panel that it is the responsibility of the Federal Government to give financial assistance to local governments in developing airports which are in the national interest."

I am firmly convinced of the merit of this program. I hope the Senate will be so convinced when appropriations are considered.

I am delighted to observe that the Senate Committee on Appropriations has seen fit to include an item for the reactivation of the Federal airport program. This is in consonance with the recommendations of President Eisenhower.

RECESS

Mr. KNOWLAND. Mr. President, under the previous order of the Senate, I move that we now stand in recess until 12 o'clock noon on Monday next.

The motion was agreed to; and (at 6 o'clock and 24 minutes p. m.) the Senate took a recess, the recess being under the order previously entered, until Monday, August 2, 1954, at 12 o'clock meridian.

CONFIRMATIONS

Executive nominations confirmed by the Senate July 31 (legislative day of July 2), 1954:

POSTMASTERS

ALABAMA

Wanda M. Shattuck, Brookwood.
Martha J. Wyatt, Pike Road.
Charlie B. Edwards, Sycamore.

CALIFORNIA

John D. Stephenson, Norwalk.

COLORADO

George E. Hamblin, Akron.
Ruby M. Colopy, Lake City.
George M. Price, Manitou Springs.
William E. Baker, Morrison.

CONNECTICUT

Burton W. Henry, Hazardville.
Calvin E. Kirchhoff, Quaker Hill.

DELAWARE

Charles S. Willin, Bridgeville.

FLORIDA

Delmer T. Warren, Fern Park.
Chauncey L. Costin, Port Saint Joe.

GEORGIA

Frances Marion Clark, Blythe.

IDAHO

Howard L. Jenkins, Naples.

ILLINOIS

Mary N. Ceyte, Bulpitt.
Weldon A. Tranbarger, Franklin.

INDIANA

David H. Jordan, Dunreith.

IOWA

Wendell T. Smith, Mount Pleasant.
Charles R. Mayo, Pocahontas.
Loretta M. Steffens, Rowan.
Donald R. deGooyer, Sioux Center.

MAINE

William C. Lint, Mapleton.

MASSACHUSETTS

Joseph A. Boudreau, Jr., Fiskdale.

MICHIGAN

Clarence L. Carlson, Whitehall.

MINNESOTA

Lesile E. Torrison, Buffalo.
Harold F. Otto, LeRoy.

MISSISSIPPI

Delmer E. Edwards, West Point.

NEBRASKA

Reynold F. Nelson, Gordon.
Russell M. Abrams, Stapleton.

NEW HAMPSHIRE

Carl Chase Blanchard, Farmington.
Frederick James Rowe, Portsmouth.

NEW JERSEY

Paul R. Cronce, Frenchtown.
Theodore Lee Adams, Ocean City.
Bruno P. Zorn, Waldwick.

OHIO

John L. Bricker, Mount Sterling.

OREGON

Myrl A. Haygood, Philomath.
Daniel W. Macy, Warm Springs.

PENNSYLVANIA

Lydia S. Love, Cheyney.
John W. Beach, Fairfield.
John W. Reznor, Greenville.
Leonard Wayne Elder, Rochester Mills.
Esther S. Neeld, Wrightstown.

SOUTH CAROLINA

Raphael L. Morris, Clemson.

SOUTH DAKOTA

Casimir F. Kot, Stephan.

VERMONT

Morris W. Depew, Dorset.

VIRGINIA

William L. Pickhardt, Chester.
Beulah W. Davis, Concord.
Marion L. Beeton, Lexington.
Richard F. Weaver, New Market.
Ralph T. Phillips, Parksley.

WISCONSIN

Clifford J. McKenzie, Centuria.
Virginia F. Waupochick, Keshena.
Amy J. Pofahl, Pleasant Prairie.
Estelle W. Hill, Sarona.
Herbert N. Hoskins, Shell Lake.
Wallace L. Nelson, Siren.

WYOMING

Evalee V. Arnwine, Linch.

WITHDRAWAL

Executive nomination withdrawn from the Senate July 31 (legislative day of July 2), 1954:

INTERSTATE COMMERCE COMMISSION

Charles H. Grossman, of New Mexico, Director of Locomotive Inspection.

EXTENSIONS OF REMARKS

Tenth Anniversary of the Battle of Warsaw

EXTENSION OF REMARKS

OF

HON. PAUL H. DOUGLAS

OF ILLINOIS

IN THE SENATE OF THE UNITED STATES

Saturday, July 31, 1954

Mr. DOUGLAS. Mr. President, I ask unanimous consent to have printed in the CONGRESSIONAL RECORD a statement I have prepared on the 10th anniversary of the Battle of Warsaw. This statement commemorates one of the bravest uprisings in the history of man, and also condemns one of the foulest betrayals in the history of man.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR DOUGLAS

Tomorrow, August 1, is the 10th anniversary of the Battle of Warsaw. It is the anniversary of one of the bravest, most heroic uprisings in the history of man. It is also the anniversary of one of the foulest betrayals in all of man's long history.

The Communists are adept in betrayal; it is their stock in trade.

The Warsaw uprising was instigated by the Russian Communist high command. On July 31, 1944, the Russian armies were within a few miles of the tortured city, and the shelling of the Germans could easily be heard. On that evening, the Russians continued their radio appeals for an uprising within the city, and announced a general attack from their positions a few miles to the east.

At once, the Polish underground went into action. As the brave General Bor described it, "in 15 minutes an entire city of a million inhabitants was engulfed in the fight. * * * The battle for the city was on."

The carnage was indescribable.

Immediately, the Communist Russian radio went silent, the Communist armies ceased their attacks and their shelling of the Nazi forces, and halted all air activity. They simply sat down and waited for the Nazis to slaughter the brave Polish underground army. The Nazis were not slow to act. They moved in the Herman Goering Division, two S. S. tank divisions, pulled up artillery, cut the city into pockets, and started a methodical slaughter of the Polish people.

The Russian Communist armies and air forces made no move to relieve the Polish underground army of General Bor. Men, women, children fought bitterly, street by street and house by house; buried the dead insomuch as possible; cooked and delivered meals to the men at the rifles; tended the wounded who piled up in cellars and houses. Virtually the only weapons the Poles had with which to fight the Nazi tanks, artillery, and Luftwaffe were rifles, revolvers, and bottles filled with gasoline.

Meanwhile, the Warsaw radio made repeated appeals for help. The Communist armies did not budge.

In Churchill's Triumph and Tragedy a special chapter—The Martyrdom of Warsaw—is devoted to this betrayal. Repeatedly Mr. Churchill and President Roosevelt appealed to Marshal Stalin to set his armies in motion to relieve the city. He refused. Then they sought permission for the British-American Air Forces to make air drops of ammunition, food, medicine, and guns to the underground forces. In order to accomplish this, because of the distances involved, it was necessary to obtain Stalin's permission to fly on and land for refueling of the planes behind the Soviet lines.

This, Marshal Stalin bluntly refused, not once but many times. In Churchill's volume, one may read the series of urgent appeals to the Communist Marshal Stalin.

Not once did the Communists lift so much as a single rifle to support the uprising they had instigated. It soon became apparent that they were guilty of the most degrading perfidy; they were waiting for the Nazis to slaughter off the real resistance and patriotic leaders of the Polish peoples. Then, with the heart of Polish patriotism crushed, they would be free to impress on the Polish people their own puppet Lublin Communist controlled government.

The battle was being waged above ground and even in the sewers of the city. On September 4, the brave women of Warsaw broadcast a message to the Vatican. I want to repeat a part of it here:

"For 3 weeks, while defending our fortress, we have lacked food and medicine. Warsaw is in ruins. The Germans are killing the wounded in hospitals. * * * The Rusisan armies which have been for 3 weeks at the gates of Warsaw have not advanced a step. * * * God alone is with us."

Churchill said of the Communists:

"They wished to have the non-Communist Poles destroyed to the full, but also to keep alive the idea they were going to their rescue."

One of the last broadcasts before the Warsaw radio was silenced and the slaughter completed tells the entire story:

"This is the stark truth. We were treated worse than Hitler's satellites, worse than Italy, Rumania, Finland. May God, who is just, pass judgment on the terrible injustice suffered by the Polish nation, and may He punish accordingly all those who are guilty."

After more than 2 months of the bitterest fighting, the resistance was crushed—without a single act of the Russians to help the brave underground army.

Of the 40,000 men and women of the underground army, 15,000 were killed. Nearly 200,000 persons were wounded. Ten thousand Nazis were killed, 7,000 were missing, and 9,000 wounded. A mortal blow had been struck at the Germans, weakening them in the front of the Russian armies, but at a terrible cost.

I want to quote the final lines of Churchill's recital.

"When the Russians entered the city 3 months later, they found little but shattered streets and the unburied dead. Such was their liberation of Poland, where they now rule. But this cannot be the end of the story."

In remembering this 10th anniversary of the Battle of Warsaw, let us forget neither the Communist treachery against their own ally, nor Churchill's final statement:

"This cannot be the end of the story."

We must see to it that it will not be.